

CALENDAR YEAR 2011
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)
2011-01

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Hardwick in the County of Warren finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.5 % increase in the budget for said year, amounting to \$10,005.78 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Hardwick, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Township of Hardwick shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$23,346.82, and that the CY 2011 municipal budget for the Township of Hardwick be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

February 2, 2011
Motion: Mr. Perry; Second: Mr. Carrazzone
Roll Call:
Committeeman Perry: Yes
Committeeman Carrazzone: Yes
Mayor Duffy: Yes

Judith M. Fisher, RMC
Township Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the above entitled ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Hardwick on January 5, 2011 and will be considered for final reading and adoption at the regular meeting of the Township Committee to be held on February 2nd, 2010 at 7:00p.m. at the Municipal Building, 40 Spring Valley Road, Hardwick Township.

Judith M. Fisher, RMC
Township Clerk

CERTIFICATION

I, Judith Fisher, Clerk of the Township of Hardwick, do hereby certify that the foregoing Ordinance is a true and exact copy adopted by the Township Committee of the Township of Hardwick at a meeting held on the 2nd day of February, 2011.

Judith M. Fisher, RMC
Township Clerk

Intro: January 5, 2011
Adopted: February 2, 2011

ORDINANCE 2011-02
TOWNSHIP OF HARDWICK
CHAPTER XIII

TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF HARDWICK TO INSERT
CONDITIONS PERTAINING TO WIRELESS ANTENNAS FOR TELEPHONE, RADIO, PAGING AND/OR
TELEVISION COMMUNICATIONS AS CONDITIONAL USES 2011-02

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Land Development Ordinance of Hardwick Township, Chapter XIII of the Revised General Ordinances of the Township of Hardwick shall be and is hereby amended as follows:

SECTION 1. A new Section 13-106.3A is hereby inserted:

13-106.3A. Conditional Use;, Conditions of Approval.

Wireless antennas for telephone, radio, paging and/or telephone communications are conditional uses and are subject to the following conditions:

- a. Overall Plan. The Applicant shall submit proof that the proposed location of the wireless antennas promote the overall objective of providing full wireless communication services within Hardwick Township while limiting the number of towers to the fewest possible consistent with this objective.
- b. Location Priorities. The location of the antennas shall comply with the location priorities set forth in Section 13-106.4 herein.
- c. Co-Location. Co-location on an existing tower or an existing or proposed water tower, high tension tower or existing structure within or near the Township of Hardwick while providing adequate signal coverage and service.
- d. Height. In no event shall the height of the tower exceed 199 feet. The Applicant shall demonstrate that the total requested height of the proposed antennas and any proposed new tower is the minimum height necessary for the proposed installation to satisfactorily operate.
- e. Setbacks.
 1. If the proposed antennas will be located on an existing tower or water tower or stand pipe, no additional setbacks shall be required, other than compliance with the setbacks of the existing structure.
 2. No antenna, tower, building or structure shall be permitted within 100 feet of the right-of-way of any street or from any other existing or proposed property line or within the height of the tower whichever is greater.
- f. Structural Integrity. Any proposed tower and/or antennas shall be constructed with sufficient structural integrity to support the proposed antennas and the anticipated future co-located antennas to the Electronic Industries Association and/or the Telecommunications Industries Association standards as the same may be amended or updated. Documentary proof shall be supplied by a qualified expert. The tower or facility shall be constructed with sufficient structural capacity to support a minimum of two arrays of antennas from other wireless carriers in addition to the array proposed by the Applicant.

- g. Emissions. The Applicant shall submit acceptable documentary evidence that the proposed wireless antennas meet all technical emission standards set by the Federal Communications Commission and other applicable technical requirements of the Federal and State governmental agencies with appropriate jurisdiction.
- h. Screening and Landscaping. The Applicant shall comply with the requirements of Section 13-106.8(b)16 with respect to screening and landscaping. The object is to provide a visual screen or buffer for adjoining private properties and persons traveling on a public street.
- i. Fencing and Other Safety Devices. Any tower or other structure supporting the antennas and any building or structure enclosing related electronic equipment shall be surrounded by a fence 8 feet in height minimum in order to prevent unauthorized access. All towers shall be designed with anti-climbing devices in order to prevent unauthorized access.

SECTION 2. Section 13-106.8 entitled “Site Plan Submissions and Approval Requirements” is hereby amended to add the following new section:
13-106.8B17 which reads as follows:

Structural Integrity. Any proposed tower and/or antennas shall be constructed with sufficient structural integrity to support the proposed antennas and the anticipated future co-located antennas to the Electronic Industries Association and/or the Telecommunications Industries Association standards as the same may be amended or updated. Documentary proof shall be supplied by a qualified expert. The tower or facility shall be constructed with sufficient structural capacity to support a minimum of two arrays of antennas from other wireless carriers in addition to the array proposed by the Applicant.

SECTION 3. Section 13-12.3c is hereby amended in the fifth line to change “Subsection 13-106-1” to “13-106.3A”.

SECTION 4. Section 13-11.4 entitled “Wireless Antennas for Telephone, Radio, Paging and/or Television Communications hereby deleted.

SECTION 5. *Effective Date*. This Ordinance shall take effect upon final passage and publication as provided by law.

SECTION 6. *Severability*. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 7. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on February 2, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on March 2, 2011 at 7:00 p.m. or soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

Dated: February 2, 2011
Adopted: March 2, 2011

ORDINANCE NO. 2011-03

ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY, TO AMEND, REVISE AND SUPPLEMENT CHAPTER VIII, "BUILDING AND HOUSING," REGARDING CONSTRUCTION PERMIT FEES

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that Chapter VIII, "Building and Housing," Subchapter 1.3, "Permit Required; Fee," of the Code of the Township of Hardwick shall be amended, revised and supplemented as follows:

SECTION I

Section 8-1.3(a). Construction Permit Fees is hereby amended by amending the fees for the following subsections only (all other subsections shall remain the same):

8-1.3(a)(1)(a):

Subparagraph	Item	Old Fee	New Fee
(1)	New construction Minimum fee	\$0.035 \$50.00	\$0.043 per cubic foot \$100.00
(2)	Renovations, etc. Minimum	\$20.00 \$15.00 \$10.00 \$50.00	\$35.00 (up to \$50,000) \$25.00 (\$50,001 to \$100,000) \$20.00 (Over \$100,000) \$100.00
(3)	Additions	\$0.035	\$0.043 per cubic foot
(5)	Garden Sheds	\$35.00	\$75.00
(8)	Minor work	\$10.00	\$24.00
(9)	Roofing/siding	\$50.00	\$75.00

8-1.3(a)(1)(b):

Subparagraph	Item	Old Fee	New Fee
(b)	Plumbing Minimum	\$50.00	\$75.00
(b)(1)	Special devices	\$65.00	\$75.00

8-1.3(a)(1)(c):

Subparagraph	Item	Old Fee	New Fee
(1)	1-50 Receptacles	\$50.00	\$75.00

(2)	Greater than 1 hp	\$20.00	\$25.00
	Greater than 10 hp	\$46.00	\$60.00
	Greater than 50 hp	\$92.00	\$110.00
(3)	Greater than 1kW	\$20.00	\$25.00
	Greater than 10kW	\$46.00	\$60.00
	Greater than 45kW	\$92.00	\$110.00
(4)	Greater than 0 amp	\$46.00	\$75.00
(5)	Storable pool/spa/tub	\$75.00	\$125.00
	Above ground pool	\$75.00	\$125.00

8-1.3(a)(1)(d):

Subparagraph	Item	Old Fee	New Fee
(1)	Heads 1 to 20	\$100.00	\$150.00
(2)	Devices 1 to 10	\$46.00	\$100.00
	Devices 11-20	\$85.00	\$100.00
(4)	Exhaust system	\$100.00 ea.	\$150.00 ea.
(5)	Gas or Oil Fired (Change to Gas/Wood or Oil Fired)	\$55.00	\$75.00
(8)(a)	Up to 1,000 gallons	\$35.00	\$75.00
(8)(b)	1,001 - 3,000 gallons	\$50.00	\$75.00

SECTION II. *Effective Date.* This Ordinance shall take effect upon final passage and publication as provided by law.

SECTION III. *Severability.* The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION IV. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on March 2, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on April 6, 2011 at 7:00 p.m. or soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township of Hardwick

Introduction: March 2, 2011

Adoption: April 6, 2011

**DIED ON ROLL CALL VOTE
INTRODUCED ORDINANCE 2011-05 WITH CHANGE**

Township of Hardwick
Warren County, New Jersey

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE FIXING THE SALARY OF THE CERTIFIED TAX COLLECTOR OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY". 2011-04

WHEREAS, the Township Committee of the Township of Hardwick wishes to adopt an ordinance establishing the salary and compensation of the Certified Tax Collector of the Township in 2011

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hardwick that salary for 2011 for the following employee shall be as follows:

SECTION 1: The annual salary for the following Township Employee shall be:

Certified Tax Collector	\$13,500.00 per annum
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The salary set forth in this ordinance herein shall be effective commencing March 1, 2011. Any and all other portions and sections of this ordinance inconsistent with this ordinance which are heretofore passed and adopted are hereby repealed only to their inconsistencies.

NOTICE

NOTICE IS HEREBY GIVEN that the above entitled ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Hardwick on March 2, 2011 and will be considered for final reading and adoption at the Regular Meeting of the Township Committee held on April 6, 2011 at 7:00PM at the Municipal Building, 40 Spring Valley Road, Hardwick Township, New Jersey.

Judith M. Fisher, RMC
Township Clerk

Dated: March 2, 2011
Adopted: Died on Roll Call Vote

Township of Hardwick
Warren County, New Jersey

AN ORDINANCE TO AMEND ORDINANCE 2011-04 ENTITLED "AN ORDINANCE FIXING THE SALARY OF THE CERTIFIED TAX COLLECTOR OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY". 2011-05

WHEREAS, the Township Committee of the Township of Hardwick wishes to amend Ordinance 2011-04 establishing the salary and compensation of the Certified Tax Collector of the Township in 2011

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hardwick that salary for 2011 for the following employee shall be as follows:

SECTION 1: The annual salary for the following Township Employee shall be:

Certified Tax Collector	\$13,000.00 per annum
-------------------------	-----------------------

The salary set forth in this ordinance herein shall be effective commencing March 1, 2011. Any and all other portions and sections of this ordinance inconsistent with this ordinance which are heretofore passed and adopted are hereby repealed only to their inconsistencies.

NOTICE

NOTICE IS HEREBY GIVEN that the above entitled ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Hardwick on April 6, 2011 and will be considered for final reading and adoption at the Regular Meeting of the Township Committee held on May 4, 2011 at 7:00PM at the Municipal Building, 40 Spring Valley Road, Hardwick Township, New Jersey.

Judith M. Fisher, RMC
Township Clerk

ORDINANCE NO. 2011-06

AN ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE ASSIGNMENT OF LEASE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 authorizes the lease by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use to the highest bidder by open public lease at auction or by submission of sealed bids after the required newspaper advertisements; and

WHEREAS, the Township of Hardwick is the owner of certain real property: a) the property known as Block 1103.01, Lot 1 (street address: 1 Riverview Drive; and b) the property known as a portion of Block 1103, Lot 37 (street address: 40 Spring Valley Road); and

WHEREAS, said property is not needed for public use, and is currently leased to Sprint and Nextel respectively and subsequently assigned to TowerCo Assets, LLC for the operation of a wireless communications monopole and related facilities; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to assign the aforementioned leases to the highest bidder.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that:

The property known as a Block 1103.01, Lot 1 hereinafter referred to as "Riverview Tower Site" and also the property known a portion of Block 1103, Lot 37 hereinafter referred to as "Municipal Building Tower Site" shall be offered for assignment of lease to the highest bidder by submission of sealed bids, pursuant to N.J.S.A. 40A:12-14. Said bids shall be opened on June 21, 2011 at 11:00 a.m. at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey. Each property shall be bid separately.

BE IT FURTHER RESOLVED that the assignment of lease of the subject property shall be offered for public bidding as set forth below and shall be leased pursuant to the further expressed conditions enumerated below:

1. The term of the assignment shall be for the balance of the lease term with TowerCo, including any extensions. At the conclusion of the assignment term, the lease of the property and all rights to the property shall revert back to the Township of Hardwick.
2. The minimum lump sum rent shall be \$550,000.00 for the Riverview Tower Site and a minimum lump sum rent shall be \$1,000,000.00 for the Municipal Building Tower Site. In addition to the minimum rentals, there shall be paid 50% per year of the gross revenues that assignee receives from other users of the Tower Site who collocate on the Tower Site.
3. The successful bidder shall meet all requirements, obligations and mandates of the Notice to Bidders and Information to Bidders.
4. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the bid opening. The

Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.

5. The successful bidder shall be required to obtain all applicable permits, approvals and licenses at its own expense.
6. The bid shall be awarded to the highest bidder (or all bids shall be rejected) at a Township Committee meeting subsequent to the adoption of the Ordinance, pursuant to the bid documents.
7. This assignment of lease bid shall be advertised by the Township Clerk in accordance with State law.
8. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Checked the zoning restrictions to ascertain the legal use of the property. This information can be obtained from the Township Zoning Office.
 - c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Tuesday & Wednesday, between 9:30 am and 1:30 pm or Thursday between 9:30 and 3:30 pm, telephone number (908) 362-6528.
 - d. Reviewed the current leases between the Township of Hardwick and each lessee for the operation of a wireless communications monopole and related facilities on the property.
 - e. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the bidder.
9. Copies of the Assignment of Lease Documents, which shall, in large part, consist of the Information to Bidders and Notice to Bidders will be available at the office of the Township Clerk, 40 Spring Valley Road, Hardwick, NJ 07825, after final passage of Ordinance.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on April 6, 2011, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on June 1, 2011, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Judith M. Fisher, R.M.C
Township Clerk, Township of Hardwick

Adopted: June 1, 2011

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF HARDWICK TO
AMEND THE SETBACK REQUIREMENTS FOR NON-CONFORMING PRINCIPAL STRUCTURES 2011-07

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Land Development Ordinance of the Hardwick Township, Chapter XIII of the Revised General Ordinances of the Township of Hardwick shall be and is hereby amended as follows:

SECTION 1. Section 13-33.5 is entitled "*Enlargement of Non-Conforming Principal Structure*". That section is amended to read as follows:

An existing principal structure which is non-conforming by reason of its intrusion into a required setback may be enlarged, provided, however, that the existing non-conforming setback is not further encroached upon and provided the encroachment is not greater than 50% of the required setback.

SECTION 2. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

SECTION 3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or cause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on June 1, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on July 6, 2011 at 7:00 p.m. or as soon there after as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C.
Township Clerk, Hardwick, Township

**HARDWICK TOWNSHIP
WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER XIII OF THE
REVISED GENERAL ORDINANCES BEING THE LAND
DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF
HARDWICK TOWNSHIP IN ORDER TO ADOPT
REGULATIONS WITH RESPECT TO SOLAR ENERGY
SYSTEMS. 2011-08**

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Land Development Ordinance of the Township of Hardwick, Chapter XIII of the Revised General Ordinances of the Township of Hardwick shall be and is hereby amended to add the following new section:

SECTION 1. Section 13–12.3d, Commercial Scale Solar Energy Systems.

d.1 Preamble

In recognition of the State of New Jersey’s desire to promote the construction and use of renewable energy sources and, further, the State of New Jersey’s designation of commercial scale solar energy system installations as an “inherently beneficial use”, the Township seeks to designate such installations as conditional uses subject to a set of conditions consistent with sound engineering and planning principles which also take into account the character of the Township as a rural community without commercial or industrial zones.

Of particular consequence is the fact that all land subject to development in the Township is designated as being within Planning Areas 4 (rural), 4b (rural/environmentally sensitive), and 5 (environmentally sensitive). The remainder of the Township is in Planning Area 8 (parks).

It is the Township’s belief and intent that the conditions and standards defined herein will serve to promote the beneficial use of commercial scale solar energy installations while ensuring that the negative impact of such development on environmentally sensitive areas, adjoining tracts, and the community as a whole is minimized and in keeping with the character of the Township.

d.2 Definitions.

Residential Scale Solar Energy System – A solar energy system installation which produces energy in a year’s time which is 110% or less of the total amount which may be reasonably anticipated to be consumed on average in a year’s time by a principle residential use on the same parcel. In this context, “reasonably anticipated” may include actual or estimated present or future usage for lighting, space heating, air conditioning, charging of electric vehicles, and other energy consumption that may be associated with or anticipated in the near future to be associated with a principal residential use.

Commercial Scale Solar Energy System - A solar energy system installation which produces energy in excess of the amount defined for Residential Scale Solar Energy Systems. Such systems may also be identified as “production systems” or “major solar energy systems”.

Solar Array – means a quantity of structures, typically flat panels, arranged in an array and so oriented as to facilitate collection of solar energy. Individual structures within the array are known as solar collectors or panels. Solar collectors may be photovoltaic (converting light to electricity) in nature, thermal (converting solar energy to heat), or of another type

Ground Mounted Solar Array – means a solar energy system consisting of individual panels or arrays of panels mounted on armatures anchored to the ground with ground cover beneath.

d.3 ZONING REGULATIONS AND CONDIITONS PERTAINING TO COMMERCIAL SCALE SOLAR ENERGY SYSTEMS.

(a) General

1.1 Where there is range of possible alternative locations for an installation. Preference will be given to installations installed on Township owned property.

(b) Conditions. The Solar Energy Systems, commercial scale) shall comply with the following conditions.

2.1. Parcels upon which the installation is to be constructed must be a minimum of 20 acres or greater in area. The area or areas of a parcel or parcels immediately adjacent to the parcel under consideration may be considered in the area calculation provided that the deeds of any parcel(s) so used are modified to include permanent restrictions against further development except for that which pertains to the solar energy system in question.

2.2 Control of Visual Impact – Screening.

Commercial solar energy systems shall be screened from view of all public streets and adjoining properties. The required buffer shall be a minimum width of 50 feet consisting of naturalized plantings of predominantly evergreen trees. Buffering shall be continuous, with the exception of access roadways, and include a minimum of one (1) tree and five (5) shrubs per 300 square feet of buffer area. Deciduous trees shall have a minimum caliper of 2.5 inches and evergreen trees shall have a minimum height of eight (8) feet. Adjoining residences shall be appropriately screened with a strategically located buffer no less than 150 feet in length, or as deemed necessary by the Planning Board to achieve a reasonable degree of screening. Existing mature

perimeter vegetation having a width of less than 50 feet may be used to make up part of the required minimum buffer width of 50 feet. Species selected for new plantings shall be indigenous or widely introduced types also known for robustness and disease resistance. The intent is to present the appearance of an undeveloped property (other than for an access roadway or roadways) when the installation is viewed from off property.

2.3 Noise.

Under all normal operating conditions and during all times of the year measured noise at the parcel boundaries shall be less than 55dBA as measured using industry standard noise measuring instrumentation and measurement practices. Plan submission shall include an acoustic modeling study prepared by appropriately licensed professionals demonstrating compliance with the 55dBA limit. Noise levels predicted by the model shall be such that calculated margins of error are added to modeled levels prior to comparison with the 55dBA limit.

2.4 Setback Requirements.

- (a) Minimum setbacks for the front shall be no less than 150' and for rear and side lines no less than 100'. Improvements including screening plantings, fencing, and access roadways are allowed within the setback zone with the proviso that setbacks for fencing shall be 50' minimum from any parcel boundary. Additionally, any fencing shall be located to the interior of the parcel with respect to any plantings established for purposes of visual screening.
- (b) Setbacks for noise producing equipment such as transformers, inverters, and the like, provided such equipment produces noise at levels in excess of 55dBA when measured at a distance of 6 feet, shall be 500 feet minimum from any boundary line unless the applicant can demonstrate that the noise limit given in Section 2.3 can be met at a lesser setback distance which may be less than 500 feet but no less than 250 feet.

2.5 Whenever possible, transformers, inverters, switchgear and other electrical equipment shall be enclosed with a building or buildings constructed for this purpose.

2.6 The maximum height above ground for solar arrays, solar panels and solar equipment shall be sixteen (16) feet.

2.7 The commercial Grade Solar Energy Systems shall be located on previously disturbed land, e.g., farmland not designated as prime agricultural soils to the

greatest extent possible.

Installations on lands consisting of prime agricultural soils are prohibited. However, this restriction shall not be taken to mean that installations are prohibited on parcels with mixed soil types provided such installations are designed and located in such a manner so as to not interfere with continuing or future use of the areas having prime agricultural soils.

2.8 The property shall be adequately fenced with a fence with a minimum height of 8 feet to prevent access by unauthorized persons and shall be appropriately gated.

d.4 Plan Submittal Requirements.

1. Detailed plans for the entire proposed development shall be submitted for review. These plans shall, at minimum, provide the following information.
 - a. Nature and extent of all proposed disturbances and developments to the parcel in question, e.g., structures, access and maintenance roadways, solar panel foundations, stormwater control structures, fencing, security means such as cameras, visual screening barriers, border landscaping, etc.
 - b. Area and bounds of proposed solar panel field(s)
 - c. Number of panels to be installed
 - d. Type and size of individual panels
 - e. Proposed mounting methods for panels, etc., e.g, fixed position racks, tracking pedestal mounts, etc.
 - f. Proposed foundation structures for supporting panels
 - g. Proposed generating capacity of the installation
 - h. Proposed structures and intended purpose of such structures
 - i. Location, physical size, and capacity of transformers, inverters, substations, switchgear, transmission lines or other utility infrastructure.
 - j. Location and design of access and maintenance roadways;
 - k. Screening with proposed planting details including species, height at planting and location and existing screening,
 - l. Fencing details and security details;
 - m. Setbacks from all property lines.
 - n. Plans shall be prepared by a licensed surveyor, engineer and architect as their licenses permit.
2. The application shall fully comply with applicable requirements for major site plans as set forth in the Hardwick Land Development Chapter except as altered by this section.

d.5 Design & Construction Standards.

1. Submitted plans required for conditional use approval shall demonstrate that the planners have considered and acted to minimize all aspects of potentially negative impact such as visual appearance of the solar panel fields and attendant structures, appearance and placement of structures, reflections and glare from panels during daylight hours for all four seasons, placement and type of access and maintenance roadways, visual impact as seen from adjacent properties and particularly from the immediate vicinity of improvements (e.g. residences), potential interference with indigenous animal and plant species, preexisting natural features, removal of existing woodlands, etc. As an example, the design shall, to the maximum extent practicable, use materials, colors, textures, architectural features, screening and landscaping that will blend the facility into the natural setting and existing environment. Similarly, structures shall use materials, colors, textures, and architectural features consistent with and in keeping with the appearance and character of existing structures in the community.
2. The maximum permitted vertical height above ground for solar arrays shall be 16 feet.
3. Location and orientation of solar panels or arrays of panel shall not result in reflective glare as viewed from second story level (20 feet above ground) and below on adjoining properties.
4. Installations shall be of the type defined herein as Ground Mounted Solar Arrays. Fixed orientation or tracking type mountings are both permitted.
5. Placement of impervious surfaces beneath solar array installations is not permitted.
6. Removable pilings or other low impact foundation, e.g. concrete poured into footing tubes, structures are strongly preferred as foundations for the solar arrays. Use of linear concrete footings is discouraged.
7. The minimum allowable “beginning of life” efficiency for photovoltaic panels shall be 12% or greater.
8. To the maximum extent possible, all wiring and cabling associated with the solar installation shall be located underground.
9. The installation shall fully comply with requirements given in the edition of the IBC (International Building Code) that is current at the time of application.
10. The installation shall fully comply with all applicable requirements of the National Electric Code as adopted by the NJ Department of Community Affairs.

11. Energy systems connecting to the electric utility shall comply with the NJ Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility connected thereto.
12. Structures for electrical equipment and for storage of vehicles, landscaping and maintenance equipment etc., shall be designed to have a visual appearance in keeping with Hardwick's rural, farm, and residential character. Ideally such structures shall mimic typical farm buildings in external appearance rather than having an industrial appearance.

d.6 Environmental Requirements.

1. Installations are not permitted to occupy areas of land designated by the NJDEP as critical habitat for State threatened and/or endangered species of flora or fauna or any other areas designated as areas of special concern.
2. No portion of the installation shall occupy areas of land designated by the NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. A 300' buffer zone shall be maintained between any disturbance associated with the installation and NJDEP designated Category One waters.
3. Alteration of the parcel's natural contours is prohibited except for minimal changes as required for construction of access and maintenance roadways or for foundations for structures. All proposed construction shall comply with Hardwick Township's ordinance for design standards, Section 13-40.1 and 13.40.2.
4. Design and construction of the installation shall comply with Hardwick Township's Stormwater Management Ordinance (Section 13-110). Solar panels or solar panel arrays (exclusive of the bases or foundations of the same) shall not be included in calculations for impervious coverage.
5. Submitted plans for conditional use approval shall demonstrate that the applicant has selected appropriate vegetation for planting underneath and in the immediate vicinity of installed solar panels for the purposes of soil stabilization and that means will be in place to ensure property ongoing maintenance of these plantings. Plantings of low maintenance sun and shade tolerant grass mixtures such as "OVN" provided through the South Jersey Farmers Exchange are suitable for this purpose. Plantings of appropriately selected native species may also be acceptable. Plans shall also include provisions for prevention of takeover by invasive species. These plans shall be prepared by an appropriately licensed professional.
6. All access and maintenance roadways shall be constructed using pervious surfaces.

7. Use of photovoltaic panels containing hazardous substances, particularly any such substances liable to slow release into the environment via out-gassing, leaching, or similar processes, is prohibited.

d.7 Security Requirements.

Submitted plans for conditional approval shall demonstrate that adequate measures are taken to ensure security and safety for all aspects of the installation. These shall include at minimum measures to ensure that unauthorized access to the entire installation is prevented and particularly that access to potential hazards such as high voltages is denied other than for authorized personnel. It is recommended that the applicant demonstrate that means such as security cameras or other monitoring equipment are in place to assist in identification and prompt apprehension of persons gaining unauthorized access.

d.8 Solar Access

Presumption of implied solar access rights by virtue of placement of a solar energy installation or panels on a given parcel is denied. It shall be the sole responsibility of the owner(s) of the installation to locate improvements so as to ensure continuing solar access irrespective of any existing or permitted future improvements to adjacent properties or from natural changes on adjacent properties such as growth of trees or other vegetation.

d.9 Maintenance & Inspections

The applicant shall submit a plan for ongoing monitoring of all impacts anticipated for the development, particularly with respect to stormwater management, maintenance of security features such as fencing and cameras, and ongoing maintenance or replacement of plantings located to provide visual screening. The plan shall include provisions for inspection by Township officials as appropriate.

d.10 De-Commissioning Requirements.

The applicant shall provide a plan for the decommissioning and removal, or Township approved re-purposing of all improvements to the parcel. This shall be accomplished within 180 days of the date on which commercial scale solar generation ceases to occur at the installation. The decommissioning process shall include steps taken to return the parcel to a semi-natural state, e.g. open fields planted with native or agricultural grasses. The Township Zoning Officer and Construction Official shall be responsible for overseeing any such decommissioning. It shall be the responsibility of the applicant or current owner(s) to cover all expenses associated with oversight by Township officials during the decommissioning process. The Township may require a performance

guaranty by way of a bond or letter of credit to secure the decommissioning process.

SECTION 2. Section 13-38 of the Hardwick Township Land Development ordinance shall have the title amended to read “Residential Solar Energy Systems”. That section shall be further amended as follows:

13-38.1 Preamble. The following is added at the end of the Preamble.

Residential Scale Solar Energy Systems are regulated by this Section 13-38 of the Hardwick Township Land Development ordinance and are permitted accessory structures and uses. Commercial Scale Solar Energy Systems are conditionally permitted uses and are regulated under the provisions of Section 13-12.3d of the Hardwick Township Land Development ordinance. Solar energy systems on commercial and industrial buildings conforming to the standards in the definition of Residential Scale Solar Energy Systems set forth below in Section 13-38.2 are permitted accessory structures and uses.

Section 13-38.2 entitled “Definitions” is hereby amended to add the following definition.

Residential Scale Solar Energy System – A solar energy system installation which produces energy in a year’s time which is 110% or less of the total amount which may be reasonably anticipated to be consumed on average in a year’s time by a principle residential use on the same parcel. In this context, “reasonably anticipated” may include actual or estimated present or future usage for lighting, space heating, air conditioning, charging of electric vehicles, and other energy consumption that may be associated with or anticipated in the near future to be associated with a principal residential use.

The title of Section 13-38.3 is hereby amended to read as follow: “Zoning regulations pertaining to Residential Scale Solar Energy Systems.”

Section 13-38.3a of the Hardwick Township Code is amended to read as follows: “Residential Scale Solar Energy Systems are permitted accessory structures and uses in all zone districts within the Township provided they are accessory to a principal use or structure permitted in the zone district by ordinance or variance.”

SECTION 3. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

Notice pursuant to N.J.S. 40:55D-62.1 is not required.

SECTION 4. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 6. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on June 1, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on July 6, 2011, at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

Judith Fisher, R.M.C.
Township of Hardwick

Amended 5/24/2011

ORDINANCE NO. 2011-09

**AN ORDINANCE OF THE TOWNSHIP OF HARDWICK,
COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING
AND SUPPLEMENTING CHAPTER 18 SECTION 1 TITLED
“FLOOD DAMAGE PREVENTION” UPDATING THE
TOWNSHIP’S FLOOD DAMAGE PREVENTION ORDINANCE.**

WHEREAS, the State of New Jersey has delegated the responsibility to Hardwick Township to adopt regulations designed to promote public health, safety and welfare of its citizens; and

WHEREAS, the Township of Hardwick presently has a flood damage prevention ordinance; and

WHEREAS, it the Township committee’s desire to update the existing flood damage prevention ordinance by replacing it with the following;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Ordinance of the Township of Hardwick, Chapter 18, Section 1 of the Revised General Ordinances of the Township of Hardwick shall be and is hereby amended to add the following new section:

18-1 THE FLOOD DAMAGE PREVENTION ORDINANCE

**SECTION 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

18-1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Hardwick, Warren County, New Jersey does ordain as follows:

18-1.2 FINDINGS OF FACT

[1] The flood hazard areas of Township of Hardwick are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- [2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

18-1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- [1] Protect human life and health;
- [2] Minimize expenditure of public money for costly flood control projects;
- [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] Minimize prolonged business interruptions;
- [5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

18-1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

18-2 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Appeal — A request for a review of the Engineer's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood — The flood having a one percent chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from: .

[1] The overflow of inland or tidal waters and/or

[2] The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure — Any structure that is:

- [a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- [b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- [c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- [d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- [1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

18-3 GENERAL PROVISIONS

18-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Hardwick, Warren County, New Jersey.

18-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Hardwick, Community No. 340528, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Warren County, New Jersey (All Jurisdictions)" dated September 29, 2011.
- b) Flood Insurance Rate Map for Warren County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34041C0009E, 34041C0013E, 34041C0014E, 34041C0016E, 34041C0017E, 34041C0018E, 34041C0019E, 34041C0028E, 34041C0029E, 34041C0033E, 34041C0036E, 34041C0037E, 34041C0038E, 34041C0039E, 34041C0045E, 34041C0082E, 34041C0101E, 34041C0102E, 34041C0103E, 34041C0106E, 34041C0127E, 34041C0135E; whose effective date is September 29, 2011.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 40 Spring Valley Road, Hardwick, New Jersey.

18-3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000. or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Hardwick from taking such other lawful action as is necessary to prevent or remedy any violation.

18-3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18-3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

18-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Hardwick, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

18-4 ADMINISTRATION

18-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 18-3.2. Application for a Development Permit shall be made on forms furnished by the Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 18-5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18-4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

18-4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Engineer shall include, but not be limited to:

18-4.3(a) PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of SECTION 18-5.3[1] are met.

18-4.3(b) USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with SECTION 18-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 18-5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 18-5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

18-4.3(c) INFORMATION TO BE OBTAINED AND MAINTAINED

- [1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- [2] For all new or substantially improved floodproofed structures:
 - [i] verify and record the actual elevation (in relation to mean sea level); and
 - [ii] maintain the floodproofing certifications required in SECTION 18-4.1 (3).
- [3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

18-4.3(d) ALTERATION OF WATERCOURSES

- [1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- [2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

18-4.3(e) INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SECTION 18-4.4.

18-4.4 VARIANCE PROCEDURE

18-4.4(a) APPEAL BOARD

- [1] The Planning Board as established by the Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- [2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Engineer in the enforcement or administration of this ordinance.
- [3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court.
- [4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- [5] Upon consideration of the factors of SECTION 18-4.4-1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- [6] The Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

18-4.4(b) CONDITIONS FOR VARIANCES

- [1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 18-4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- [2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- [3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- [4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- [5] Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 18-4.4- 1[4], or conflict with existing local laws or ordinances.
- [6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

18-5 PROVISIONS FOR FLOOD HAZARD REDUCTION

18-5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

18-5.1(a) ANCHORING

- [1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- [2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

18-5.1(b) CONSTRUCTION MATERIALS AND METHODS

- [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

18-5.1(c) UTILITIES

- [1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- [2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- [3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

- [4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

18-5.1(d) SUBDIVISION PROPOSALS

- [1] All subdivision proposals shall be consistent with the need to minimize flood damage;
- [2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- [3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- [4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

18-5.1(e) ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

18-5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 18-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 18-4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

18-5.2(a) RESIDENTIAL CONSTRUCTION

- [1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;
- [2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

18-5.2(b) NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

either

- [1] Elevated to the level of the base flood elevation; and
- [2] Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- [1] Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- [2] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [3] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 18-4.3-3 [2] [ii].

18-5.2(c) MANUFACTURED HOMES

- [1] Manufactured homes shall be anchored in accordance with SECTION 18-5.1-1 [2].
- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

18-5.3 FLOODWAYS

Located within areas of special flood hazard established in SECTION 18-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If SECTION 18-5.3[1] is satisfied, all new construction and substantial improvements must comply with SECTION 18-5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

This Ordinance shall become effective twenty (20) days after final passage, adoption and publication according to law.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on July 6, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on July 27, 2011, at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

ORDINANCE NO. 2011-10

**ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY
OF WARREN, STATE OF NEW JERSEY ACCEPTING A
ROADWAY KNOWN AS RIVERVIEW DRIVE IN THE LIME
KILN ESTATES SUBDIVISION**

BE IT ORDAINED by the Township Council of the Township of Hardwick, County of Warren, State of New Jersey as follows:

Section 1. The following street has been dedicated to the Township of Hardwick by the making and filing of maps is hereby accepted as a public street:

Riverview Drive as shown on Tax Map Sheet listed below;

Section 2. The following is a map on which the foregoing street is shown:

(1) “Final Plat Lime Kiln Estates, Block 1103, Lot 12, Hardwick Township, Warren County, New Jersey” as prepared by Richard A. Moralle, PE, PLS of T&M Associates; and

Section 3. This Ordinance shall become effective twenty (20) days after final passage, adoption and publication according to law.

Section 4.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 5.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 6.

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading meeting of the Township Committee of the Township of Hardwick held on July 6, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on July 27, 2011, at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

ORDINANCE NO. 2011-11

**AN ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN,
STATE OF NEW JERSEY AUTHORIZING THE ASSIGNMENT OF LEASE OF
CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR
PUBLIC PURPOSES.**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 authorizes the lease by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use to the highest bidder by open public lease at auction or by submission of sealed bids after the required newspaper advertisements; and

WHEREAS, the Township of Hardwick is the owner of certain real property: a) the property known as Block 1103.01, Lot 1 (street address: 1 Riverview Drive; and b) the property known as a portion of Block 1103, Lot 37 (street address: 40 Spring Valley Road); and

WHEREAS, said property is not needed for public use, and is currently leased to Sprint and Nextel respectively and subsequently assigned to TowerCo Assets, LLC for the operation of a wireless communications monopole and related facilities; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to assign the aforementioned leases to the highest bidder.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that:

The property known as a Block 1103.01, Lot 1 hereinafter referred to as "Riverview Tower Site" and also the property known a portion of Block 1103, Lot 37 hereinafter referred to as "Municipal Building Tower Site" shall be offered for assignment of lease to the highest bidder by submission of sealed bids, pursuant to N.J.S.A. 40A:12-14. Said bids shall be opened on October 5, 2011 at 7:00 p.m. at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey. Each property shall be bid separately.

BE IT FURTHER RESOLVED that the assignment of lease of the subject property shall be offered for public bidding as set forth below and shall be leased pursuant to the further expressed conditions enumerated below:

1. The term of the assignment shall be for the balance of the lease term with TowerCo, including any extensions. At the conclusion of the assignment term, the lease of the property and all rights to the property shall revert back to the Township of Hardwick.
2. Bidders shall submit a bid for a lump sum rent amount. There shall be no minimum bid requirement. In addition to the minimum rentals, there shall be paid 50% per year of the gross revenues that assignee receives from other users of the Tower Site who collocate on the Tower Site this payment shall be non-negotiable.

2. The successful bidder shall meet all requirements, obligations and mandates of the Notice to Bidders and Information to Bidders.
3. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the bid opening. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
4. The successful bidder shall be required to obtain all applicable permits, approvals and licenses at its own expense.
5. The bid shall be awarded to the highest bidder (or all bids shall be rejected) at a Township Committee meeting subsequent to the adoption of the Ordinance, pursuant to the bid documents.
6. This assignment of lease bid shall be advertised by the Township Clerk in accordance with State law.
8. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Checked the zoning restrictions to ascertain the legal use of the property. This information can be obtained from the Township Zoning Office.
 - c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Tuesday & Wednesday, between 9:30 am and 1:30 pm or Thursday between 9:30 and 3:30 pm, telephone number (908) 362-6528.
 - d. Reviewed the current leases between the Township of Hardwick and each lessee for the operation of a wireless communications monopole and related facilities on the property.
 - e. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the bidder.
9. Copies of the Assignment of Lease Documents, which shall, in large part, consist of the Information to Bidders and Notice to Bidders will be available at the office of the Township Clerk, 40 Spring Valley Road, Hardwick, NJ 07825, after final passage of Ordinance.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on August 17, 2011, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on September 7, 2011, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Judith M. Fisher, R.M.C
Township Clerk, Township of Hardwick

This ordinance was not adopted by the Committee at their meeting held on October 5, 2011. Planning Board has recommended revisions.

**ORDINANCE 2011-12
TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF HARDWICK
TO AMEND THE DEFINITION OF
COMMERCIAL AGRICULTURE**

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Land Development Ordinance of the Township of Hardwick, Chapter XIII of the Revised General Ordinances of the Township of Hardwick shall be and is hereby amended as follows:

SECTION 1. Section 13-6 is entitled “*Definitions*” is hereby amended to amend the term “AGRICULTURE, COMMERCIAL” to read as follows:

AGRICULTURE COMMERCIAL – The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; fruits of all kinds, including grapes, nuts and berries; vegetables; floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

SECTION 2. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

SECTION 3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or cause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on September 7, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on October 5, 2011 at 7:00 p.m. or as soon there after as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

This ordinance was not adopted by the Committee at their meeting held on October 5, 2011. Planning Board has recommended revisions.

**ORDINANCE 2011-13
TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF HARDWICK
TO AMEND THE DEFINITION OF
COMMERCIAL AGRICULTURE
AND TO MAKE THE RAISING OF HOGS, SWINE OR PIGS
A CONDITIONAL USE**

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Land Development Ordinance of the Township of Hardwick, Chapter XIII of the Revised General Ordinances of the Township of Hardwick shall be and is hereby amended as follows:

SECTION 1. Section 13-6 is entitled “*Definitions*” is hereby amended to amend the term “AGRICULTURE, COMMERCIAL” to read as follows:

AGRICULTURE COMMERCIAL – The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; fruits of all kinds, including grapes, nuts and berries; vegetables; floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

SECTION 2. Chapter 13 of the Land Development Ordinance is hereby amended to add a new section designated as Section 13-12.3e entitled “*The Raising of Hogs, Swine or Pigs for Personal Consumption.*”

13-12.3e The Raising of Hogs, Swine or Pigs for Personal Consumption. The raising of hogs, swine or pigs for personal consumption is a conditionally permitted use in the Low Density Rural Residential Zone (the LD Zone) subject to the following conditions:

1. The number of hogs, swine or pigs that may be raised at any time within the Township shall not exceed five in number.

2. The hogs, swine or pigs shall be utilized for personal consumption only. They shall not be sold commercially.
3. The minimum lot area shall be six acres.
4. The hogs, swine or pigs shall be kept in a fenced in area which shall be located in the side yard or rear yard and not in the front yard of any lot.
5. The fenced in area and any building where the hogs, swine or pigs are kept shall be at minimum one hundred feet from any property boundary line.
6. The hogs, swine or pigs must be provided with a permanent anchored barn or other suitable building for shelter.
7. Disposal of Manure.
 - a. The manure may not be kept in any area within the Fifty Year Flood Plain, nor within fifty feet of any brooks or water courses.
 - b. The manure disposal area must be in a low profile position causing no nuisance and shall be at least one hundred feet from all property lines and no closer than two hundred feet from any other existing residential dwellings.
 - c. The manure must be collected and maintained and disposed of in a sanitary manner. If stored, a covered enclosure or covered pit shall be provided to prevent offensive odors, fly breeding and other nuisances.

SECTION 3. Section 13-9 of the Land Development Ordinance is hereby amended to add a new section to Section 13-9 which is entitled “Uses Prohibited In All Districts” as follows:

13-9(g) The raising of hogs, swine or pigs, except as permitted in Section 13-12.3(e) and subject to the compliance with the conditions contained therein.

SECTION 4. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

SECTION 5. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or cause is adjudged to be unconstitutional or

invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 6. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on September 7, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on October 5, 2011 at 7:00 p.m. or as soon there after as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

This ordinance was not adopted by the Committee at their meeting held on October 5, 2011. Planning Board has recommended revisions.

**ORDINANCE 2011-14
TO AMEND CHAPTER V BEING THE ANIMAL CONTROL
CHAPTER OF THE HARDWICK TOWNSHIP CODE
TO LIMIT THE NUMBER OF HOGS, SWINE OR PIGS
THAT MAY BE RAISED WITHIN THE TOWNSHIP**

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Chapter V of the Hardwick Township Code, the Animal Control chapter shall be and is hereby amended as follows:

SECTION 1. Section 5-3.3 is hereby amended to read as follows:

5-3.3 Number of Pigs Limited. The number of hogs, swine or pigs permitted to be raised at any time within the Township shall not be in excess of five in number which animals shall be utilized for personal consumption only.

The remainder of Chapter V remains unchanged.

SECTION 2. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

SECTION 3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or cause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage

thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on September 7, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on October 5, 2011 at 7:00 p.m. or as soon there after as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

Township of Hardwick
Warren County, New Jersey

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE FIXING THE SALARIES OF THE EMPLOYEES OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY". 2011/15

WHEREAS, the Township Committee of the Township of Hardwick wishes to adopt an ordinance establishing the salaries and compensation of several employees of the Township in 2011

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hardwick that salary for 2011 for the following employees shall be as follows:

SECTION 1: The annual salaries for the following Township Employees shall be:

Township Committee Members	2,564.16 per annum
Township Clerk	34,301.49 per annum
Township Clerk	164.27 per extra meeting**
Deputy Clerk	8,857.89 per annum
Chief Financial Officer	15,271.49 per annum
Tax Collector	15,271.49 per annum
Tax Assessor	16,952.21 per annum
Secretary to Board of Adjustment	3,362.70 per annum
	70.90 per extra meeting above 12**
Secretary to Planning Board	5,586.53 per annum
	70.90 per extra meeting above 12**
Recreation Coordinator	765.00 per annum
Animal Control Officer	6,747.69 per annum
Licensing Clerk	1,039.42 per annum
Construction Code Official	11,861.86 per annum
Secretary to Construction Official	7,343.16 per annum
Electrical Sub Code Official	3,580.20 per annum
Plumbing Sub Code Official	2,386.80 per annum
Fire Sub Code Official	2,561.14 per annum
Zoning Official	10,326.26 per annum
911 Coordinator	765.00 per annum
Emergency Management Coordinator	1,897.19 per annum
Deputy Emergency Management Coordinator	1.00 per annum

**EXTRA MEETINGS SHALL BE CONSIDERED ANY MEETING OTHER THAN THE REGULARLY SCHEDULED BUSINESS MEETING

SECTION II: ROAD DEPARTMENT

Road Foremen/Certified Public Works Manager	30.17 per hour
Equipment Operator/Laborer	21.63 per hour
Emergency Truck Driver	17.03 per hour
Extra Help	12.14 per hour
Mechanic Stipend	2,531.85 per annum
On Call Stipend - Road Foreman	413.63 per annum
On Call Stipend - Road Laborer	413.63 per annum

SECTION III: RECYCLING

Recycling Coordinator	195.60 per annum
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The salaries set forth in this ordinance herein shall be effective and retroactive to January 1, 2011. Any and all other portions and sections of this ordinance inconsistent with this ordinance which are heretofore passed and adopted are hereby repealed only to their inconsistencies.

NOTICE

NOTICE IS HEREBY GIVEN that the above entitled ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Hardwick on September 7, 2011 and will be considered for final reading and adoption at the Regular Meeting of the Township Committee held on October 5, 2011 at 7:00PM at the Municipal Building, 40 Spring Valley Road, Hardwick Township, New Jersey.

Judith M. Fisher, RMC
Township Clerk

**This ordinance was not adopted by the Committee at their meeting on October 5, 2011.
Funding for the new blower will be done through the Clean Communities Grant.**

TOWNSHIP OF HARDWICK

**CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A BLOWER BY THE
TOWNSHIP OF HARDWICK, IN THE COUNTY OF WARREN, NEW JERSEY,
APPROPRIATING \$6,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF
THE TOWNSHIP TO PAY FOR THE COST THEREOF. ORDINANCE NO. 2011-16**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HARDWICK, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all
members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 2 of this capital ordinance is hereby authorized to be undertaken by the Township of Hardwick, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of \$6,000.00 from the capital improvement fund of the township.

Section 2. (a) The capital improvement hereby authorized and the purpose for the use of the capital improvement fund is to purchase a blower for the road department necessary therefor or incidental thereto.

Section 3. The capital budget of the Township of Hardwick is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect immediately after final adoption in accordance with applicable law

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on September 7, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on October 5, 2011 at 7:00 p.m. or as soon there after as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

ORDINANCE 2011-17
TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF HARDWICK
TO AMEND THE DEFINITION OF
COMMERCIAL AGRICULTURE
AND TO MAKE THE RAISING OF HOGS, SWINE OR PIGS
A CONDITIONAL USE

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Land Development Ordinance of the Township of Hardwick, Chapter XIII of the Revised General Ordinances of the Township of Hardwick shall be and is hereby amended as follows:

SECTION 1. Section 13-6 is entitled “*Definitions*” is hereby amended to amend the term “AGRICULTURE, COMMERCIAL” to read as follows:

AGRICULTURE COMMERCIAL – The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; fruits of all kinds, including grapes, nuts and berries; vegetables; floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

SECTION 2. Chapter 13 of the Land Development Ordinance is hereby amended to add a new section designated as Section 13-12.3e entitled “*The Raising of Hogs, Swine or Pigs.*”

13-12.3e The Raising of Hogs, Swine or Pigs. The raising of hogs, swine or pigs is a conditionally permitted use in the Low Density Rural Residential Zone (the LD Zone) subject to the following conditions:

1. The number of hogs, swine or pigs that may be raised at any time on a farm lot or lots forming a farm unit shall not exceed five in number.

2. The minimum lot area shall be six acres.
3. The hogs, swine or pigs shall be kept in a fenced in area which shall be located in the side yard or rear yard and not in the front yard of any lot.
4. The fenced in area and any building where the hogs, swine or pigs are kept shall be at minimum one hundred feet from any property boundary line.
5. The hogs, swine or pigs must be provided with a permanent anchored barn or other suitable building for shelter.
6. Disposal of Manure.
 - a. The manure may not be kept in any area within the One Hundred Year Flood Plain, nor within 150 feet of any brooks or water courses.
 - b. The manure disposal area must be in a low profile position causing no nuisance and shall be at least 100 feet from all property lines and no closer than 200 feet from any other existing residential dwellings.
 - c. The manure must be collected and maintained and disposed of in a sanitary manner. If stored, a covered enclosure or covered pit shall be provided to prevent offensive odors, fly breeding and other nuisances.

SECTION 3. Section 13-9 of the Land Development Ordinance is hereby amended to add a new section to Section 13-9 which is entitled “Uses Prohibited In All Districts” as follows:

13-9(g) The raising of hogs, swine or pigs, except as permitted in Section 13-12.3(e) and subject to the compliance with the conditions contained therein.

SECTION 4. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

SECTION 5. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or cause is adjudged to be

unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 6. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on November 2, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on December 7, 2011 at 7:00 p.m. or as soon there after as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

October 18, 2011

G:/RTM/HARDWICK/ORDINANCES/AMEND LAND DEVELOPMENT (COMMERCIAL AG & RAISING SWINE)10/18/2011

ORDINANCE 2011-18
TO AMEND CHAPTER V BEING THE ANIMAL CONTROL
CHAPTER OF THE HARDWICK TOWNSHIP CODE
TO LIMIT THE NUMBER OF HOGS, SWINE OR PIGS
THAT MAY BE RAISED WITHIN THE TOWNSHIP

BE IT ORDAINED by the Township Committee of the Township of Hardwick that the Chapter V of the Hardwick Township Code, the Animal Control chapter shall be and is hereby amended as follows:

SECTION 1. Section 5-3.3 is hereby amended to read as follows:

5-3.3 Number of Pigs Limited. The number of hogs, swine or pigs permitted to be raised at any time on a farm lot or lots forming a farm unit shall not be in excess of five in number.

The remainder of Chapter V remains unchanged.

SECTION 2. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

SECTION 3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or cause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15. Upon the adoption of this Ordinance after public hearing hereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Warren County Planning

Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1. Notice pursuant to N.J.S. 40:55D-62.1 is not required.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on November 2, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on December 7, 2011 at 7:00p.m. or as soon there after as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk
Township of Hardwick

October 18, 2011

G:/RTM/HARDWICK/ORDINANCES/AMEND CH. V ANIMAL CONTROL (LIMIT SWINE) 10-18-11