Code of the Township of Fredon

COUNTY OF SUSSEX

STATE OF NEW JERSEY

SERIAL NO. .....104.....

GENERAL CODE
www.generalcode.com

2011

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 5

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
372:7 – 372:8	372:7 – 372:8
550:3 – 550:4	550:3 – 550:4
550:117 – 550:118	550:117 – 550:118
—	550:118.1
DL:1	DL:1 – DL:2

Legislation, by number or date of adoption, included in this supplement: Ord. No. 2013-06.

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 8

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
Table of Contents, vii	Table of Contents, vii
119:1 – 119:2	119:1 – 119:2
—	119:2.1
245:7 – 245:8	245:7 – 245:8
—	245:8.1
—	505:1 – 505:8
DL:1 – DL:2	DL:1 – DL:2
Index Pages 1 – 45	Index Pages 1 – 45

Legislation, by number or date of adoption, included in this supplement: Ord. Nos. 2015-06; 2016-03; 2016-05.

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 7

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
17:1 – 17:3	17:1 – 17:4
DL:1 – DL:2	DL:1 – DL:2
Index Pages 1 – 45	Index Pages 1 – 45

Legislation, by number or date of adoption, included in this supplement: Ord. No. 2014-08.

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 6

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
9:1 – 9:2	9:1 – 9:2
——	9:2.1
DL:1 – DL:2	DL:1 – DL:2

Legislation, by number or date of adoption, included in this supplement: Ord. No. 2014-02.

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 4

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
245:11 – 245:12	245:11 – 245:12
DL:1	DL:1

Legislation, by number or date of adoption, included in this supplement: Ord. No. 2013-04.

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 3

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
A575:1 – A575:8	A575:1 – A575:6
DL:1	DL:1
Index Pages 1 – 45	Index Pages 1 – 45

Legislation, by number or date of adoption, included in this supplement: Ord. No. 2012-07.

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 2

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
550:1 – 550:2	550:1 – 550:2
550:5 – 550:6	550:5 – 550:6
——	550:6.1
550:21 – 550:28	550:21 – 550:28
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Legislation, by number or date of adoption, included in this supplement: Ord. No. 2012-05.

GENERAL CODE

INSTRUCTIONS

Township of Fredon Code Supplement No. 1

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
—	Certification Page (immediately preceding Preface)
1:1 – 1:3	1:1 – 1:7
DL:1	DL:1
Index Pages 1 – 45	Index Pages 1 – 45

Legislation, by number or date of adoption, included in this supplement: Ord. No. 2011-12.

Township of Fredon

Municipal Building

443 Route 94

Newton, NJ 07860

Telephone: (973) 383-7025

www.twp.fredon.nj.us

10 - 01 - 2011

CERTIFICATION

TOWNSHIP OF FREDON

Office of the Township Clerk

I, **Joanne Charner,** Township Clerk of the Township of Fredon, New Jersey, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Township Committee of the Township of Fredon, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the Township of Fredon, County of Sussex, State of New Jersey, as adopted by ordinance of the Township Committee on November 28, 2011.

Given under my hand and the Seal of the Township of Fredon, County of Sussex, State of New Jersey, this 29th day of November, 2011, at the municipal offices of the Township of Fredon.

s/**Joanne Charner**

_____

Township Clerk

PREFACE

The Township of Fredon has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Township, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Township. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Township Committee ordered the following codification of the Township's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Township Committee of the Township of Fredon, including revisions or amendments to existing legislation deemed necessary by the Township Committee in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Township legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Township legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article designations has preserved the identity of the individual enactments, and the titles of the articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1972 Revised General Ordinances have been included in the 2011 Code, or the reason for exclusion.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should

be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Township officials is gratefully acknowledged by the editor. The codification of the legislation of the Township of Fredon reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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ADMINISTRATIVE LEGISLATION

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§ 1-18. Ordinances saved from repeal.
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[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Terminology
[Adopted 6-5-1972 (Ch. I, Secs. 1-2 and 1-3, of the 1972 Revised General Ordinances)]

§ 1-1. Definitions.

For the purpose of this Code, and in the interpretation and application of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require, the following terms shall have the meaning indicated:

CLERK or TOWNSHIP CLERK — The municipal Clerk duly appointed pursuant to law.

DEPARTMENT — An organizational unit of the Township government established or designated by ordinance or this Code as a department, together with any agency or instrumentality of the Township government assigned to such organizational unit by the Township committee.

LICENSED — Licensed in accordance with the appropriate section or chapter of this Code.

MONTH — A calendar month unless otherwise specifically provided.

ORDINANCE — Any act of local legislation heretofore or hereafter adopted, and including this Code, so long as it shall have been adopted by the procedure required for the adoption of an ordinance and so long as it shall remain in force and effect pursuant to law.

PERSON — Any individual, natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, corporations or unincorporated groups; or any officers, agents, employees, servants, factors, or any kind of personal representatives of any thereof in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law.

STREET — Includes a street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, sidewalk and crosswalk, and every class of road, square, place or municipal parking field used by the general public.

TOWNSHIP — The Township of Fredon in the County of Sussex and State of New Jersey.

TOWNSHIP COMMITTEE or COMMITTEE — The governing body of the Township.

YEAR — A calendar year unless otherwise specifically provided.

§ 1-2. Word usage.

For the purpose of this Code and any other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

A. The present tense includes the past and future tenses and the future, the present.

B. The masculine gender includes the feminine and neuter.

C. The singular number includes the plural and the plural, the singular.

D. "Shall" is mandatory and "may" is permissive.

E. The time within which an act is to be done shall be computed by excluding the first and including the last day and if the last day be a Sunday, a legal holiday, or a day on which the offices of the Township are closed, that day shall be excluded.

F. "Writing" and "written" includes printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.

G. Whenever a specific time is used in this Code, it shall mean the prevailing and established time in effect in the State of New Jersey during any day in any year.

H. Any citation of a statute, law or ordinance contained in this Code shall be deemed to refer to such statute, law or ordinance as amended, whether or not such designation is included in the citation.[1]

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1. **Editor's Note: The definitions of "chapter," "section," "subsection," and "paragraph," which immediately followed this subsection, were deleted 11-28-2011 by Ord. No. 2011-12..**

ARTICLE II
General Penalty
[Adopted 6-5-1972 (Sec. 3-4 of the 1972 Revised General Ordinances)]

§ 1-3. Penalty schedule. [Amended by Ord. No. 99-06]

For violation of any provision of this Code or any other ordinance of the Township where no specific penalty is provided regarding the section violated, the penalty shall be in accord with the following schedule:

Offense	Fine
First	$100
Second	Up to $500; court appearance required.
Third and subsequent	Up to $1,000 and up to 90 days' imprisonment; court appearance required.

§ 1-4. Separate violation.

Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the Township exists shall constitute a separate violation.

§ 1-5. Application.

The maximum penalty stated in this article is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

ARTICLE III
Adoption of Code
[Adopted 11-28-2011 by Ord. No. 2011-12]

§ 1-6. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Fredon of a general and permanent nature adopted by the Township Committee of the Township of Fredon, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 550, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of Fredon," hereinafter known and referred to as the "Code."

§ 1-7. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-8. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-9. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Fredon by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Fredon" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-11. Publication; filing.

The Clerk of the Township of Fredon, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-12. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-13. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-14. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Fredon to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than $1,250, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-15. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-16. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-17. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided. Accordingly, the Revised General Ordinances of the Township of Fredon, 1972, adopted 6-5-1972, and the Revised General Ordinances of the Board of Health of the Township of Fredon, 1972, adopted by the Board of Health 6-5-1972, are likewise repealed.

§ 1-18. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-17 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to 8-13-2011.

B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.

J. The dedication of property or approval of preliminary or final subdivision plats.

K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

L. Any ordinance adopting or amending the Zoning Map.

M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-19. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Committee that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective

date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)[2]

2. **Editor's Note: In accordance with § 1-19B, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article III. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 11-28-2011 by Ord. No. 2011-12." Schedule A, which contains a complete description of all changes, is on file in the Township offices.**

Chapter 9

BOARDS, COMMISSIONS AND COMMITTEES

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Board of Adjustment

§ 9-2. Establishment.

ARTICLE III
Board of Recreation Commissioners

§ 9-3. Establishment.
§ 9-4. Appointment of members; terms; vacancies.
§ 9-5. Election of officers: meetings.
§ 9-6. Powers and duties.

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[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 58.

ARTICLE I
Planning Board
[Adopted by Ord. No. 1-77 (Sec. 2-2 of the 1972 Revised General Ordinances)]

§ 9-1. Establishment.

A Planning Board is hereby established as provided in Chapter 45, Land Use Procedures, Article II, Planning Board, of this Code.

ARTICLE II
Board of Adjustment
[Adopted by Ord. No. 1-77 (Sec. 2-3 of the 1972 Revised General Ordinances)]

§ 9-2. Establishment.

A Board of Adjustment is hereby established as provided in Chapter 45, Land Use Procedures, Article III, Zoning Board of Adjustment, of this Code.

ARTICLE III
Board of Recreation Commissioners
[Adopted by Ord. No. 96-04 (Sec. 2-13 of the 1972 Revised General Ordinances)]

§ 9-3. Establishment.

There is hereby created a Board of Recreation Commissioners of the Township of Fredon pursuant to the provisions of N.J.S.A. 40:12-1 et seq.

§ 9-4. Appointment of members; terms; vacancies.

A. Said Board of Recreation Commissioners shall consist of seven members who shall be designated Commissioners, who shall be residents of the Township and who shall be appointed in the manner prescribed by N.J.S.A. 40:12-1. All appointments shall be for a term of five years, and shall be so staggered that the term of at least one Commissioner and not more than two Commissioners shall expire in each year. All vacancies shall be filled for the unexpired term only. Commissioners shall serve until their successors are appointed and qualified and they shall receive no compensation for serving as Commissioners.

B. Said Board of Recreation Commissioners shall also consist of up to two alternate members, to be appointed in the manner prescribed by N.J.S.A. 40:12-1.1. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." The length of the terms of alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. If two alternates are initially appointed, their terms shall be staggered by the appointment of one of the alternates for an initial term that is a year less than a regular term. A vacancy occurring otherwise than by expiration of term shall be filled by the governing body for the unexpired term only. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular

member of the Board. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. **[Added 2-12-2014 by Ord. No. 2014-02[1]]**

C. Any member who does not attend three consecutive meetings without good cause may be discharged from the Board by resolution of the Township Committee and in such event a successor shall be appointed to serve for his unexpired term. Any member proposed to be so discharged shall be entitled to a hearing before the governing body if he requests it.

§ 9-5. Election of officers: meetings. [Amended by Ord. No. 2007-07]

A. The members of the Board shall annually elect from their own numbers a president, vice president, and secretary. The Board Secretary may be compensated for his or her services

1. **Editor's Note: This ordinance also provided for the redesignation of former Subsection B as Subsection C.**

in that office, at a rate and with such benefits as may be established by the Township Committee.

B. The Board of Recreation Commissioners shall meet regularly at least once each month in connection with the performance of their duties and for the consideration of matters affecting public parks in the Township. They shall adopt rules and regulations for the purpose of facilitating the work of their department and for the purpose of regulating the conduct of the meetings of the Commission.

§ 9-6. Powers and duties.

A. From time to time the Commissioners shall formulate plans for the development and improvement of the public park and playground land now or hereafter owned by the Township; propose methods or arrangements for the proper maintenance and care of such lands and the improvement thereof, formulate rules and regulations for the public use of park and playground lands and improvement thereof, determine annually what sums may be necessary for the improvement, care and maintenance of the public park and playground lands within the Township and recommend to the Township Committee in writing the amounts necessary to be raised for that purpose. All recommendations of the Commissioners involving the expenditure of moneys shall be submitted to the Township committee prior to the introduction and formal consideration of the annual budget. The sum actually appropriated by the Township Committee in any year shall not, in any case, exceed the sum recommended by the Commissioners, but the Township Committee may appropriate any lesser amount.

B. The Board of Recreation Commissioners shall have the powers conferred upon them by N.J.S.A. 40:12-1 to 40:12-15, inclusive. The Board shall also have the full and complete authority and power, exclusive of the Township Committee, to expend the moneys raised for park and playground purposes, other than for the acquisition of land, and all moneys so raised for such purposes shall be paid out by the Township Treasurer upon the warrant of the Board of Recreation Commissioners, signed by its President and attested by its Secretary, and not otherwise; provided, however, that the Commissioners shall not have the power and authority to incur any obligation in the name of or for the account of the Township except as authorized from time to time by the Township Committee and the provisions of this section.

ARTICLE IV
Environmental Commission
[Adopted by Ord. No. 2000-12 (Sec. 2-15 of the 1972 Revised General Ordinances)]

§ 9-7. Creation.

The Township of Fredon Environmental Commission is hereby created pursuant to N.J.S.A. 40:56A-1 et seq.

§ 9-8. Membership and compensation. [Amended by Ord. No. 2004-12]

The Commission shall consist of seven members and two alternate members being designated as "Alternate No. 1" and "Alternate No. 2," appointed by the Mayor. One of the members shall also be a member of the Municipal Planning Board, and all members shall be residents of the municipality. All the members shall serve without compensation.

§ 9-9. Officers; terms of office; removal; vacancies. [Amended by Ord. No. 2004-12]

A. The Mayor shall designate annually one of the members to serve as Chair and presiding officer of the Commission. No person may be chair for consecutive years. The term of office of the first Commissioners shall be for one, two or three years, to be designated by the Mayor in making the initial appointments, so that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2 so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

B. The Mayor or governing body may remove any member of the Commission for cause and written charges served upon the member and after a hearing thereon at which the member will be entitled to be heard in person or by counsel.

C. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

§ 9-10. Powers.

The Environmental Commission shall have power to conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purposes, within the limits of its budget. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the Planning Board of the municipality plans and programs for inclusion in a Municipal Master Plan and the development and use of such areas.

§ 9-11. Acquisition of property.

The Environmental Commission may, subject to the approval of the governing body, acquire property or an interest therein, both real and personal, in the name of the municipality by gift, purchase, grant, bequest, device or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conversation easement), covenant or other contractual right (including a conveyance on conditions or with

limitations or reversions) as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas in the municipality.

§ 9-12. Records.

The Environmental Commission shall keep records of its meetings and activities and shall make an annual report to the governing body of the municipality.

§ 9-13. Funds; appointment of employees.

The governing body of a municipality may appropriate funds for the expenses incurred by the Environmental Commission. If permitted by such appropriation, the Commission may appoint such clerks and other employees as it may from time to time require and as shall be within the limits of funds appropriated to it.

§ 9-14. Additional powers.

The Environmental Commission shall have the power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance and protection of flora and fauna.

ARTICLE V

Open Space Advisory Committee

[Adopted by Ord. No. 2006-08 (Sec. 2-18 of the 1972 Revised General Ordinances)]

§ 9-15. Establishment.

There is hereby established the Open Space Advisory Committee of the Township of Fredon, hereinafter referred to as the "Committee."

§ 9-16. Membership; term.

The Committee shall consist of seven members appointed by the Mayor, with the advice and consent of the Township Committee, comprised of the following: one member of the Environmental Commission, one member of the Township Committee, one member of the Planning Board, one member of the Recreation Commission, and three citizens-at-large (one being an active farmer). Members shall be appointed for a term of two years, except that the terms of four of the initially appointed members shall expire after two years, and the terms of the remaining three initially appointed members shall expire after one year so that the terms of approximately 1/3 of the members will expire each year and their successors shall be appointed for terms of two years and until the appointment and qualifications of their successors.

§ 9-17. Organization.

The initial meeting of the Committee shall organize within the first 60 days of the enactment of this article and thereafter, the Committee shall organize annually and from its members shall elect a chairperson who shall preside over all meetings, and a vice-chairperson. The Committee shall select a secretary.

§ 9-18. Compensation.

No member of the Committee shall receive compensation for his or her service.

§ 9-19. Purpose.

The purpose of the Open Space and Farmland Preservation Committee is to make recommendations to the Township Committee as to the lands to be acquired for open space; to prioritize acquisitions; and such other duties as shall be assigned by the Township Committee.

§ 9-20. Duties.

The duties of the Open Space and Farmland Preservation Committee are as follows:

A. Develop a comprehensive open space program for consideration by the Township Committee in connection with the preparation of the Township Master Plan.

B. Evaluate the importance of specific Township lands for recreational use (both active and passive), stream corridor and water quality protection, preservation of aesthetic, cultural and historical value, establishment and maintenance of greenways, and general preservation and conservation.

C. Identify specific sites and recommend acquisition of open space and other lands.

D. Recommend that the Township Committee apply for specific county, state and nonprofit foundation grants to supplement the Township's Open Space Fund for the acquisition of these lands.

E. Interact with other boards, commissions, committees, and citizens groups to obtain broad public input for the development of the open space program and to provide the Township Committee with information for dissemination to the residents of the Township.

F. Comment to the Planning Board and the Board of Adjustment on the potential for open space preservation opportunities in applications that involve lands that have special open space and recreational potential.

G. Submit a report to the Township Committee at the end of each calendar year, including specific budget requests for ongoing activities and the status of grant applications and awards.

H. The Committee shall maintain minutes of its deliberations and shall regularly report to the Mayor and Township Committee the results of its ongoing activities and determinations on a regular basis.

ARTICLE VI
Advisory Board of Health
[Adopted by Ord. No. 2007-01 (Sec. 2-19 of the 1972 Revised General Ordinances)]

§ 9-21. Establishment.

There shall be an Advisory Board of Health of the Township of Fredon pursuant to N.J.S.A. 40A:63-7(d), whose membership, powers and duties shall be as further set forth herein below.

§ 9-22. Membership; compensation.

A. The Advisory Board of Health shall consist of six members: the Mayor; one member of the Township Committee, to be appointed by the Committee; and the remaining four members to be appointed by the Township Committee, all of whom shall be citizens and residents of the Township, and one of whom shall also serve as Secretary to the Board.

B. Members shall receive no compensation for their services, except for the Board Secretary, who may be paid at a rate and obtain such benefits as may be established by the Township Committee.

§ 9-23. Terms of office; vacancies.

A. The Mayor shall serve during his or her term of office as Mayor.

B. The member of the Township Committee shall serve a one-year term, and may be reappointed from year to year.

C. The member/secretary shall serve for a term of one year, and may be reappointed from year to year.

D. The remaining citizen members shall be appointed for four-year terms.

E. Vacancies shall be filled for the unexpired term only. Members shall serve until their respective successors are appointed and shall qualify.

§ 9-24. Powers and duties.

A. The Advisory Board of Health created herein shall have the power to recommend to the Township Committee passing, altering or amending ordinances as well as the power to recommend any rules, regulations and/or investigations regarding public health and for those purposes set forth in N.J.S.A. 26:3-31.

B. The Advisory Board of Health has the authority to prepare and submit reports and recommendations to the Township Committee of actions to follow regarding any concerns of the public health in the Township of Fredon.

C. The Advisory Board of Health shall prepare an estimate of any costs to be incurred by the Advisory Board and submit it to the Township Committee for its approval prior to incurring any expense.

D. The Advisory Board of Health does not have the authority to contract, bind or act on behalf of the Township of Fredon. Its sole function is to assist the Township Committee in performing its functions pursuant to N.J.S.A. 26:3-31.

E. The Advisory Board of Health shall meet on the fourth Monday of every month to discuss matters regarding any concerns of the public health in the Township of Fredon. Such meetings will be open to the public for participation.

F. The Advisory Board of Health shall meet quarterly with the Fredon Township Committee and submit monthly reports and recommendations to the Fredon Township Committee of actions to follow regarding any concerns of the public health in the Township of Fredon.

G. The Township Committee is not required to accept or follow the recommendations or advice of the Advisory Board of Health.

§ 9-25. Provision of funding.

The Advisory Board may be funded by the Township when and to the extent that the Fredon Township Committee deems necessary and appropriate. The Advisory Board is authorized to incur and pay for expenses within such limits as are prescribed and budgeted by the Township Committee.

§ 9-26. Work space to be provided.

The Township Committee shall provide a suitable work space for the Advisory Board of Health, if available.

Chapter 14

CONTRACTS

ARTICLE I
Political Contribution Limits

§ 14-1. Definitions.
§ 14-2. Awarding public contracts to certain contributors prohibited.
§ 14-3. Contributions made prior to effective date.
§ 14-4. Contract renewal.
§ 14-5. Contribution statement by business entity.
§ 14-6. Return of excess contributions.
§ 14-7. Exemptions.
§ 14-8. Violations and penalties.
§ 14-9. Citizens private right of action.
§ 14-10. Increase of monetary thresholds.

[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Political Contribution Limits
[Adopted 8-11-2001 by Ord. No. 2011-11]

§ 14-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSINESS ENTITY — A "business entity" whose contributions are regulated by this article means:

A. An individual including the individual's spouse, and any child/children;

B. A firm; corporation; professional corporation; partnership; limited-liability company; organization; association; and any other manner and kind of business entity;

C. Any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in Subsections A and B above and their spouses and child/children;

D. All partners or officers of such an entity, in the aggregate, and their spouses and child/children;

E. Any person, subcontractor, subsidiary, corporation, firm, partnership, limited-liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in Subsection A above, more than $100,000 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve-month period prior to the award of, or during the term of, a contract subject to this article; and

F. All persons who are an "affiliate" of a business entity as defined in Subsections A, B and E above, as such term is used in 11 U.S.C. § 101(2).

CAMPAIGN COMMITTEE —

A. Shall mean:

(1) Every candidate for Fredon Township elective municipal office;

(2) Every candidate committee established by or for the benefit of a candidate for Fredon Township elective municipal office;

(3) Every joint candidate committee established in whole or in part by or for the benefit of a candidate for Fredon Township elective municipal office;

(4) Every political party committee of the Township of Fredon;

(5) Every political party committee of the County of Sussex; and

(6) Every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Township of Fredon municipal or Sussex County elective offices or Fredon Township municipal or Sussex County political parties or political party committees.

B. The terms in the foregoing subsection have the meaning prescribed in N.J.A.C. 19:25-1.7.

CONTRIBUTION — As prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.

CONTRACT FOR PROFESSIONAL OR EXTRAORDINARY SERVICES — All contracts for "professional services" and "extraordinary unspecifiable services" as such terms are used in N.J.S.A. 40A:11-5.

§ 14-2. Awarding public contracts to certain contributors prohibited.

A. To the extent that it is not inconsistent with state or federal law, the Township of Fredon and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "professional services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "extraordinary unspecified services") from any business entity if such business entity has solicited or made any contribution to: a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Fredon Township or a holder of public office having ultimate responsibility for the award of a contract; or to any Township of Fredon or Sussex County political committee or political party committee; or to any continuing political committee or political action committee that

regularly engages in the support of Fredon Township municipal or Sussex County elections and/or Fredon Township municipal or Sussex County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees (hereinafter "PAC"), in excess of the thresholds specified in Subsection C within one calendar year immediately preceding the date of the contract or agreement.

B. No business entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Township of Fredon or any of its departments or instrumentalities, for the rendition of professional services or extraordinary unspecified services shall knowingly solicit or make any contribution to: a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Fredon Township, or a holder of public office having ultimate responsibility for the award of a contract; or to any Fredon Township or Sussex County political committee or political party committee; or any PAC between the time of first communication between that business entity and the municipality regarding a specific agreement for professional services or extraordinary unspecified services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

C. The monetary thresholds of this article are: a maximum of $300 per calendar year each for any purpose to any candidate or candidate committee for Mayor or governing body, or $500 per calendar year to any joint candidates committee for Mayor or governing body, or $300 per calendar year to a political committee or political party committee of the Township of Fredon; $500 maximum per calendar year to a Sussex County political committee or political party committee; and $500 maximum per calendar year to any PAC. However, for each business entity party to a contract for professional or extraordinary unspecified services as defined in Subsection A, or engaged in negotiations for a contract defined in Subsection A, when such business entity's contribution is aggregated with all "persons" defined in the definition of "business entity" in § 14-1, Definitions, above, by virtue of their affiliation to that business entity party, a maximum of $2,500 to all Fredon Township candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Fredon Township or Sussex County political committees and political party committees as described herein combined, without violating Subsection A of this section.

D. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be: the Fredon Township Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body; or the Mayor of the Township of Fredon, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

E. Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this article, if the subcontractor would be disqualified by Subsection A from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by Subsection A from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this article.

§ 14-3. Contributions made prior to effective date.

No contribution or solicitation of contributions made prior to the effective date of this article shall be deemed to give rise to a violation of this article.

§ 14-4. Contract renewal.

No contract subject to this article may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this article if it were an initial contract.

§ 14-5. Contribution statement by business entity.

A. Prior to awarding any contract or agreement to procure professional services or extraordinary unspecified services from any business entity, the Township of Fredon or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said business entity which is the intended recipient of said contract that he/she/it has not made a contribution in violation of § 14-2 of this article. The Township of Fredon, its purchasing agents and departments shall be responsible for informing the Fredon Township Committee that the aforementioned sworn statement has been received and that the business entity is not in violation of this article, prior to awarding the contract or agreement.

B. A business entity shall have a continuing duty to report to the Township of Fredon any contributions that constitute a violation of this article that are made during the negotiation, proposal process or the duration of a contract. The Township of Fredon, its purchasing agents and departments shall be responsible for informing the governing body within 10 business days after receipt of said report from the business entity, or at the next Fredon Township Committee meeting following receipt of said report from the business entity, or whichever comes first.

C. The certification required under this section shall be made prior to entry into the contract or agreement with the Township of Fredon, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

§ 14-6. Return of excess contributions.

A business entity that is a party to a contract for professional services or extraordinary unspecified services may cure a violation of § 14-2 of this article, if, within 30 days after the date on which the applicable ELEC report is published, said business entity notifies the municipality in writing and seeks and receives reimbursement of the contribution from the recipient of such contribution.

§ 14-7. Exemptions.

The contribution limitations prior to entering into a contract in § 14-2A do not apply to contracts which: are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4; or are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a fair and open process under N.J.S.A. 19:44A-20 et seq.

§ 14-8. Violations and penalties.

A. It shall be a material breach of the terms of a Fredon Township agreement or contract for professional services or extraordinary unspecified services when a business entity that is a party to such agreement or contract has:

(1) Made or solicited a contribution in violation of this article;

(2) Knowingly concealed or misrepresented a contribution given or received;

(3) Made or solicited contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;

(4) Made or solicited any contribution on the condition or with the agreement that it will be recontributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Fredon Township, or a holder of public office having ultimate responsibility for the award of a contract, or any Township of Fredon or Sussex County political committee or political party committee, or any PAC;

(5) Engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the professional business entity itself, would subject that entity to the restrictions of this article;

(6) Funded contributions made by third parties, including consultants, attorneys, family members, and employees;

(7) Engaged in any exchange of contributions to circumvent the intent of this article; or

(8) Directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this article.

B. Furthermore, any business entity that violates Subsection A(1) through (8) shall be disqualified from eligibility for future Fredon Township contracts for a period of four calendar years from the date of the violation.

C. Any person who knowingly, purposely, or recklessly violates any provision of this article, or who conspires with another person to violate any provision of this article, or who, with the purpose of promoting or facilitating a violation of this article, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or

imprisonment as fixed by law for violations of the ordinances of the Township of Fredon.

§ 14-9. Citizens private right of action.

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this article, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Township of Fredon has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this article in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this article.

§ 14-10. Increase of monetary thresholds.

The monetary thresholds in the definition of "business entity" in § 14-1, Definitions, and in § 14-2C of this article shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the Northern New Jersey region, rounded to the nearest $10. The Clerk of the Township of Fredon shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

Chapter 17

COURT, JOINT MUNICIPAL

§ 17-1. Creation of Court; name; effective date; jurisdiction; location.

§ 17-2. Municipal Judge: powers, duties and qualifications.

§ 17-3. Prosecutor; Administrator; Public Defender; other personnel.

§ 17-4. Contributions and compensation.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 11-24-2014 by Ord. No. 2014-08.[1] Amendments noted where applicable.]

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§ 17-1. Creation of Court; name; effective date; jurisdiction; location.

A. Creation of Court. There has been created a Joint Municipal Court consisting of the following members: the Township of Andover, the Township of Hampton, the Township of Fredon, the Township of Byram, and the Borough of Andover, all located in Sussex County. The Court was created by an Agreement for Inter-Municipality Court for the Municipalities of Andover Township, Hampton Township, Fredon Township, Byram Township, and Andover Borough (hereinafter "shared services agreement") and is subject to the terms thereof.

B. Name of Court. The name of the Joint Municipal Court shall be the "Andover Joint Municipal Court (Andover, Hampton, Fredon and Byram Townships and Andover Borough)" (hereinafter "Joint Municipal Court" or "Municipal Court") and shall have a seal bearing the name of the Court.

C. Effective date. The effective date for the creation of the Joint Municipal Court shall be January 1, 2015.

D. Jurisdiction. The jurisdiction of the Joint Municipal Court shall be coextensive with the territories of the Township of Andover, Township of Fredon, Township of Hampton, Township of Byram, and Borough of Andover in the County of Sussex. The Court shall be under the jurisdiction of the Assignment Judge and Municipal Court Administrator for Vicinage 10 – Morris/Sussex.

E. Location of Court. The Joint Municipal Court shall sit in the Township of Andover or at such other place or places as hereafter may be designated by ordinance or resolution adopted by all participating municipalities.

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1. **Editor's Note: This ordinance also repealed former Ch. 17, Court, Joint Municipal, adopted by Ord. No. 8-81, as amended.**

§ 17-2. Municipal Judge: powers, duties and qualifications.

A. There shall be a Municipal Judge appointed as provided by law in the case of a joint municipal court. The Municipal Judge shall serve for a term of three years from the date of appointment and until the successor shall be appointed and qualified.

B. The Municipal Judge shall have and possess the qualifications and shall have, possess and exercise all the functions, duties, powers and jurisdiction conferred by law or ordinance. He/she shall be an attorney at law of the State of New Jersey. Whenever the Municipal Judge is unable to sit as such, he/she may designate any other judge of any municipal court to sit for him/her temporarily and hold the Municipal Court. Any such designation shall be in writing and filed with the Court, and any person so designated, while sitting temporarily, shall possess all the powers of the Municipal Judge.

C. The Municipal Judge shall faithfully carry out all of the duties and responsibilities of a Municipal Judge and shall abide by all rules and regulations established for Municipal Court Judges by the Administrative Office of the Courts.

D. The Municipal Court Judge shall have full management authority of Court operations, excluding the hiring and termination of all Court personnel.

§ 17-3. Prosecutor; Administrator; Public Defender; other personnel.

A. Municipal Prosecutor. There shall be a Municipal Prosecutor of the Municipal Court who shall prosecute cases in the Municipal Court. Qualifications for the position of Prosecutor are that the appointee shall be a duly licensed attorney at law of New Jersey, in good standing, and remain so throughout the term of service. The Municipal Prosecutor shall be appointed annually by Andover Township at the same time and in the same manner as other annual appointments are customarily made and shall continue to serve until a successor is duly appointed and qualified. The Municipal Prosecutor shall serve at the will of Andover Township, which service may be terminated upon thirty days' written notice. The compensation of the Municipal Prosecutor shall be determined by the Township of Andover.

B. Alternate Municipal Court Prosecutor. There shall also be appointed by Andover Township an Alternate Municipal Court Prosecutor, whose duties shall be the same as the Municipal Prosecutor's, but who shall act as Municipal Prosecutor only in the event the Municipal Prosecutor is absent or unavailable, or in the event the Municipal Prosecutor is unable to represent the state as a result of a conflict of interest. All provisions and references to the Municipal Prosecutor in this chapter shall apply to the Alternate Municipal Prosecutor in all respects. In the event that the Municipal Prosecutor is absent, unavailable or unable to represent the state due to a conflict of interest, the Municipal Prosecutor shall promptly notify the Municipal Court Administrator of such circumstances, and the matter shall then be reassigned to the Alternate Municipal Prosecutor, through the office of the Municipal Court Administrator.

C. Municipal Court Administrator. There shall be an Administrator of the Municipal Court who shall perform the functions and duties prescribed for the Administrator by law, by the rules applicable to municipal courts and by the Municipal Judge. The compensation

of the Administrator shall be determined by the Township of Andover. The Administrator's duties shall include, but not be limited to:

(1) Carrying out the rules, regulations, policies and procedures relating to the operation of the Court.

(2) Interviewing and speaking to persons wishing to file criminal or quasi-criminal complaints or wishing information in this regard; receiving complaints and dispensing information relating to Court matters.

(3) Maintaining the financial records of the Court, including receiving and accounting for fines and costs.

(4) Attending Court; recording pleas, judgments and dispositions; arranging trial calendars; signing Court documents; preparing and issuing warrants and commitments and other Court-related documents.

(5) Maintaining and classifying records and files of the Court.

(6) Maintaining, forwarding, receiving and reporting such records, reports and files as required by the appropriate agencies.

(7) Carrying out such additional duties as may be required in order to fulfill the duties of Court Administrator.

D. Deputy Municipal Court Administrator. There shall be a Deputy Administrator of the Joint Municipal Court who shall perform the functions and duties prescribed by law, by the rules applicable to Municipal Court and by the Municipal Court Judge. The Deputy Administrator shall be appointed in accordance with the applicable Court rules. The Deputy Administrator shall be compensated as determined by the Township of Andover.

E. Public Defender. There shall be a Municipal Public Defender who shall represent eligible indigent defendants assigned by the Municipal Court Judge. The Municipal Public Defender shall be appointed for a one-year term by the Township of Andover. The compensation of the Public Defender shall be determined by the Township of Andover. The Municipal Public Defender shall be an attorney at law of the State of New Jersey in good standing. The Municipal Public Defender may be removed by the Andover Township governing body for good cause shown and after a public hearing upon due notice and an opportunity to be heard. Failure to reappoint a Municipal Public Defender shall not constitute a removal from office. The Municipal Public Defender may hold the same title in one or more municipal courts. The Municipal Public Defender may represent private clients in this and any other municipality, subject to the rules of court governing the conduct of lawyers, judges, and court personnel.

(1) Any person applying to the Joint Municipal Court for representation by a Municipal Public Defender must be charged with a crime as specified in N.J.S.A. 2B:12-18 or be charged with an offense where there is a likelihood, in the opinion of the Municipal Court Judge, that the defendant would be subject to imprisonment or other consequences of magnitude if convicted. The applicant shall pay an application fee in accordance with the provisions of N.J.S.A. 2B:12-28. The Municipal Court may waive said application fee in whole or part if the Court

determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation. Municipal responsibilities and reimbursements for Andover Township for such services as host Joint Court municipality will be as set forth in Andover Township's enabling ordinance.

F. Conflict Public Defender. There shall also be appointed by Andover Township a Conflict Public Defender, whose duties shall be the same as the Municipal Public Defender, but who shall act as Municipal Public Defender only in the event the Municipal Public Defender is absent or unavailable, or in the event the Municipal Public Defender is unable to represent a defendant as a result of a conflict of interest. All provisions and references to the Municipal Public Defender in this chapter shall apply to the Conflict Public Defender in all respects. In the event that the Municipal Public Defender is absent, unavailable or unable to represent a defendant due to a conflict of interest, the Municipal Public Defender shall promptly notify the Municipal Court Administrator of such circumstances, and the matter shall then be reassigned to the Conflict Public Defender, through the office of the Municipal Court Administrator.

G. Necessary clerical and other assistants. There may be appointed such other necessary clerical and other assistance for the Municipal Court as is necessary for the efficient operation of the Municipal Court. The Township of Andover shall appoint such clerical and other assistants. Compensation thereof shall be in accordance with the salary ordinance adopted annually by the Township of Andover.

H. Auditor. The Auditor for the Township of Andover shall act as the Auditor for the Joint Municipal Court. The Auditor shall perform a yearly audit of the Municipal Court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 4A:5-1 et seq. A copy of the complete audit shall be supplied to each participating municipality by September 1 of each year.

§ 17-4. Contributions and compensation.

The Township of Hampton, the Township of Fredon, the Township of Byram, and the Borough of Andover shall pay the Township of Andover a fee in accordance with the shared services agreement between the parties referenced in § 17-1. The Township of Andover shall remit fines and levies collected for municipal code infractions occurring within the member municipalities to the applicable municipality on at least a monthly basis or as set forth in the shared services agreement amongst the municipalities.

Chapter 22

DEFENSE AND INDEMNIFICATION

§ 22-1. Definitions.
§ 22-2. Defense; exceptions.
§ 22-3. Persons exempted.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 17-84 (Sec. 2-9 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 58.
Personnel policy manual — See Ch. 60.

§ 22-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

OFFICER; EMPLOYEE — Any person elected or appointed to any public office, agency or body of the Township, or employed or retained by the Township, or any office, agency or body thereof, whether such person serves in a paid or unpaid capacity.

§ 22-2. Defense; exceptions.

Whenever an officer or employee of the Township is a defendant in any action or legal proceeding arising out of, or incidental to, the performance of his/her duties, the Township shall provide the officer or employee with the necessary defense, or, at its option, means for the defense of such action or proceeding and shall hold such officer or employee harmless from any payment, settlement or judgment resulting from the proceeding, except in the following situation:

A. Where the action has been brought by the Township itself against such officer or employee.

B. Where the officer or employee has been specifically found by the trier of fact in the proceedings, civil or criminal, to have acted with actual fraud, actual malice or willful misconduct.

C. Where the officer or employee is found to have acted in violation of the Municipal Code of Ethics.

§ 22-3. Persons exempted.

Nothing in this chapter shall be deemed to afford any protection to persons appointed as municipal constables as a prerequisite for appointment as a constable for the Sussex County District Court.

Chapter 45

LAND USE PROCEDURES

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ARTICLE II
Planning Board

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§ 45-3. Terms.
§ 45-4. Vacancies and removals.
§ 45-5. Organization of Planning Board.
§ 45-6. Planning Board attorney.
§ 45-7. Experts and staff.
§ 45-8. Powers and duties generally.
§ 45-9. Time; subdivision approvals.
§ 45-10. Certification of completeness; procedure for filing applications.
§ 45-11. Advisory committee.
§ 45-12. Environmental Commission.
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ARTICLE III
Zoning Board of Adjustment

§ 45-14. Establishment; composition; term.
§ 45-15. Officers.
§ 45-16. Board of Adjustment attorney.
§ 45-17. Experts and staff.
§ 45-18. Rules and regulations.
§ 45-19. Powers.
§ 45-20. Appeals and applications.
§ 45-21. Power to reverse or modify decisions.
§ 45-22. Expiration of variance.
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§ 45-70. Interest on deposits.
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ARTICLE IX
Affordable Housing

§ 45-72. Growth share.
§ 45-73. Development fees.

Carbonate Area District Map

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 1-77 (Ch. XI of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Driveways — See Ch. 219.
Flood control — See Ch. 270.
Site plan review — See Ch. 424.
Soil erosion and sediment control — See Ch. 441.
Soil removal — See Ch. 446.
Stormwater control — See Ch. 457.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

ARTICLE I
General Provisions [1]

§ 45-1. Title.

This chapter shall be known and may be cited as the "Land Use Procedures Ordinance of the Township of Fredon."

ARTICLE II
Planning Board

§ 45-2. Establishment; composition. [Added by Ord. No. 9-80]

A. There is hereby established in the Township, pursuant to N.J.S.A. 40:55D-1 et seq., a Planning Board of nine members consisting of the following classes:

(1) Class I. The Mayor.

(2) Class II. One of the officials of the Township other than a member of the Township Committee to be appointed by the Mayor; provided that the member of the environmental commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board member in the event that there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.

(3) Class III. A member of the Township Committee to be appointed by it.

(4) Class IV. Other citizens of the Township to be appointed by the Mayor.

B. There may also be no more than two alternate members appointed to the Planning Board in the same manner as Class IV members, who shall be designated by the chairman of the Planning Board as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussion of the proceedings but may not vote except in the absence of disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No 1. shall vote.

1. Editor's Note: The power to regulate land use is set forth in N.J.S.A. 40:55D-1 et seq.

§ 45-3. Terms. [Added by Ord. No. 9-80]

A. The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first.

B. The term of a Class IV member who is also a member of the Board of Adjustment or a Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.

C. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointments as determined by resolution of the Township Committee; provided that no term of any member shall exceed four years and, further provided, that nothing herein shall affect the terms of any present members of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four years except as otherwise hereinabove provided. All terms shall run from January 1 of the year in which the appointment is made.

D. The terms of alternate members shall be for two years except that of the alternate members first appointed, one shall be appointed for a one year term and one shall be appointed for a two year term; such terms shall run from January 1 of the year in which the appointment is made. Thereafter, all appointments shall be made for a term of two years.

§ 45-4. Vacancies and removals.

If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the Township Committee for cause.

§ 45-5. Organization of Planning Board.

The Planning Board shall elect a chairman and vice chairman from the members of Class IV and select a secretary who may be either a member of the Planning Board, a Township employee or other qualified person designated by it.

§ 45-6. Planning Board attorney.

There is hereby created the office of Planning Board attorney. The Planning Board may annually appoint, fix the compensation of, or agree upon the rate of compensation of, the Planning Board attorney, who shall be an attorney other than the Township attorney.

§ 45-7. Experts and staff.

In addition, the Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

§ 45-8. Powers and duties generally. [Amended by Ord. No. 9-80]

The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:

A. To make and adopt and from time to time amend a master plan for the physical development of the Township including any areas outside its boundaries, which in the Board's judgment bear essential relation to the planning of the Township, in accordance with the provisions of N.J.S.A. 40:55D-28.

B. To administer the provisions of the land subdivision and site plan review chapters of the Township in accordance with the provisions of such ordinances and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et seq.

C. To hear applications for conditional uses and in proper cases to approve conditional use permits in accordance with the provisions of the zoning chapter, pursuant to N.J.S.A. 40:55D-67.

D. To participate in the preparation and review of programs or plans required of the Planning Board by state or federal law or regulations.

E. To assemble data on a continuing basis as part of a continuous planning process.

F. To annually prepare a program of Township capital improvement projects projected over a term of six years, and amendments thereto, and recommend such to the Township Committee.

G. To consider and make report to the Township Committee within 35 days after referral, as to any proposed development regulation submitted to it, pursuant to the provisions of N.J.S.A. 40:55D-26(a), and also pass upon other matters specifically referred to the Planning Board by the Township Committee, pursuant to the provisions of N.J.S.A. 40:55D-26(b).

H. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:

(1) Variances pursuant to N.J.S.A. 40:55D-70c.

(2) Direction, pursuant to N.J.S.A. 40:55D-34, for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved, pursuant to N.J.S.A. 40:55D-32.

(3) Direction, pursuant to N.J.S.A. 40:55D-36, for issuance of a permit for a building or structure not related to a street.

(4) Whenever relief is requested, pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance, or direction for issuance of a permit, as the case may be.

I. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Township Committee for the aid and assistance of the Township Committee or other agencies or officers.

§ 45-9. Time; subdivision approvals. [Amended by Ord. No. 9-80]

A. Minor subdivisions. Upon submission of a complete application, the Planning Board shall grant or deny minor subdivision or site plan approvals within 45 days of certification of completion of such submission or within such further time as may be consented to by the developer. Approval of a minor subdivision shall expire 190 days from the date of Planning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law,[2] or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Recording Officer, the Township Engineer and the Township Tax Assessor. Any such plat or deed shall be signed by the chairman and secretary of the Planning Board before it will be accepted for filing by the County Recording Officer.

B. Preliminary approval, site plans and subdivisions.

(1) Upon submission of a complete application for a site plan which involves 10 acres of land or less, and 10 dwelling units or less, or for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of certification of completeness of such submission, or within such further time as it may be consented to by the developer.

(2) Upon submission of a complete application for a site plan which involves more than 10 acres or more than 10 dwelling units, or for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of certification of completeness of such submission, or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval to the subdivision or site plan.

C. Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers as set forth in § 45-8H of this chapter, the Planning Board shall grant or deny approval of the application within 95 days of certification of completeness of such application by the developer, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate from the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued upon request of the applicant.

D. Final approval.

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2. **Editor's Note: See N.J.S.A. 46:23-9.9 et seq.**

(1) Application for final subdivision or site plan approval shall be granted or denied within 45 days of certification of completeness of the application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate from the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued upon request of the applicant.

(2) Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

§ 45-10. Certification of completeness; procedure for filing applications. [Added by Ord. No. 9-80; amended by Ord. No. 20-84; Ord. No. 2-86; Ord. No. 2001-08]

A. Certification of completeness of application. Applications for development within the jurisdiction of the Planning Board shall be reviewed for completeness in accordance with the provisions of § 45-33 of this chapter.

B. Procedure for filing application.

(1) Applications for development within the jurisdiction of the Planning Board, pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., shall be filed with the Secretary of the Planning Board. Applicants shall file at least 30 days before the date of the monthly meeting of the Board:

(a) Sixteen copies of any conceptual plan to be reviewed by the Board.

(b) Sixteen copies of an application for either major or minor subdivision approval.

(c) Sixteen copies of an application for either major or minor site plan review.

(d) Sixteen copies of an application for conditional use approval.

(e) Sixteen copies of an application for a planned development.

(2) At the time of filing this application, but in no event less than 30 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Planning Board.

(3) The applicant shall also obtain all necessary forms from the Secretary of the Planning Board. The Secretary of the Planning Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Planning Board.

(4) After the initial submission of an original application for development, in the event the applicant desires or is required to prepare revisions to the originally submitted plat and/or submit additional data or documentation in support thereof, same shall

be submitted to the Secretary of the reviewing board having jurisdiction thereof at least 15 working days, excluding Saturdays, Sundays and legal holidays, prior to the work meeting or regular meeting of the reviewing board having jurisdiction thereof at which consideration or review of the application is expected.

(5) In the event such resubmissions are not made in accordance with the advance filing requirements set forth above, the revision shall not be reviewed by the Board engineer, attorney or planner, nor considered by the reviewing board having jurisdiction thereof until the next subsequent scheduled work meeting or regular meeting following such late submission.

§ 45-11. Advisory committee.

The Mayor may appoint one or more persons as a Citizens Advisory Committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

§ 45-12. Environmental Commission.

Whenever the Environmental Commission has prepared and submitted to the Planting Board an index of the natural resources of the Township, the Planning Board shall make available to the Environmental Commission an information copy of every application for development to the Planning Board. Failure of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

§ 45-13. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953, N.J.S.A. 2A:67A-1 et seq., shall apply.

ARTICLE III
Zoning Board of Adjustment

§ 45-14. Establishment; composition; term. [Added by Ord. No. 9-80]

A. Establishment; composition. A Zoning Board of Adjustment is hereby established, pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven residents of the Township appointed by the Township Committee to serve for terms of four years from January 1 of the year of their appointment.

B. Alternate members. There shall also be two alternate members who shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." Of the alternates first appointed, one shall be appointed for a two-year term and one shall be appointed for a one-year term. Thereafter, the term of each such alternate member shall be two years.

C. Conflict of interest. No member of the Zoning Board of Adjustment may hold any elective office or position under the Township.

D. Vacancy. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

E. Voting procedure. Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§ 45-15. Officers.

The Board of Adjustment shall elect a chairman and vice-chairman from its members and shall also select a secretary who may be either a board member or other qualified person designated by it.

§ 45-16. Board of Adjustment attorney.

There is hereby created the office of attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment attorney, who shall be an attorney other than the Township attorney.

§ 45-17. Experts and staff.

In addition, the Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

§ 45-18. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953, N.J.S.A. 2A:67A-1 et seq., shall apply.

§ 45-19. Powers.

A. Powers granted by statute. The powers of the Zoning Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69 et seq., and amendments and supplements thereto, and with the provisions of this chapter.

B. Intent of chapter. It is further the intent of this chapter to confer upon the Zoning Board of Adjustment as full and complete powers as may lawfully be conferred upon such

board, including, not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of this chapter, or any term, clause, sentence or word hereof, and the Zoning Map, in accordance with the general rules of construction, applicable to legislative enactments.

C. Variances. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances from the terms of this chapter in accordance with the general or specific rules contained herein, and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this chapter would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in Chapter 291, P.L. 1975, N.J.S.A. 40:55D-1 et seq., or subsequent statutes in such case made and provided, and it shall from time to time furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.

§ 45-20. Appeals and applications. [Amended by Ord. No. 9-80]

A. Appeals.

(1) Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board, or bureau of the Township affected by any decision of the administrative officer.

(2) Each appeal shall be taken within the 20 days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with three copies of such notice with the secretary of the Board of Adjustment. The notice of appeal shall specify the grounds for such appeal. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. Applications. Applications addressed to the original jurisdiction of the Board of Adjustment without prior application to a zoning officer, shall be filed with the secretary of the Zoning Board of Adjustment. Three copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps, or other papers required by virtue of any provision of this chapter or any rule of the Board of Adjustment. The applicant shall obtain all necessary forms from the secretary of the Zoning Board of Adjustment. The secretary of the board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

C. Stay of proceedings. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the Superior Court of New Jersey on application or notice from whom the appeal is taken and on due cause shown.

§ 45-21. Power to reverse or modify decisions.

In exercising the above mentioned power, the Board of Adjustment may, in conformity with the provisions of C. 291, P.L. 1975, N.J.S.A. 40:55D-1 et seq., or amendments thereto or subsequent statutes applying, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken.

§ 45-22. Expiration of variance. [Added by Ord. No. 9-80]

Any variance from the terms of the zoning chapter hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by such variance, or unless such permitted use has actually been commenced, within nine months from the date of entry of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be extended from the date of filing an appeal from the decision of the Board of Adjustment to the Township Committee, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

§ 45-23. Powers granted by law. [Amended by Ord. No. 9-80; Ord. No. 20-84]

The Board of Adjustment shall have such powers as are granted by law to:

A. Appeals. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning chapter.

B. Interpretation of map or zoning chapter. Hear and decide requests for interpretation of the map or the zoning chapter, or for decisions upon other special questions upon which the Board is authorized to pass by provisions in the zoning chapter.

C. Variance for hardship.

(1) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to the zoning chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from the strict application of such regulation so as to relieve such difficulties or hardship.

(2) Where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the requirements of

Chapter 550, Zoning, and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from such regulations of Chapter 550, Zoning; provided, however, that no variance from those departures enumerated in N.J.S.A. 40:55D-70(d) shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to N.J.S.A. 40:55D-60(a) of the Municipal Land Use Law.

D. District variance. In particular cases and for special reasons, grant a variance to allow departure from regulations set forth in Chapter 550, Zoning, to permit a use or principal structure in a district restricted against such use or principal structure or an expansion of a nonconforming use or deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use or an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4 or an increase in the permitted density as defined in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling-unit buildings, which lot or lots are either isolated undersized lot or lots resulting from a minor subdivision, in which event applications would be made pursuant to Subsection C above. A variance under this subsection shall be granted only by affirmative vote of at least five members of the Board.

§ 45-24. Additional powers. [Added by Ord. No. 9-80]

The Zoning Board of Adjustment shall, in addition to the powers specified in § 45-23 of this chapter, have power given by law to:

A. Direct issuance of a permit, pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the official map.

B. Direct issuance of a permit, pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

C. To grant to the same extent and subject to the same restrictions as the Planning Board subdivision or site plan approval, pursuant to N.J.S.A. 40:55D-37 et seq., or conditional use approval, pursuant to N.J.S.A. 40:55D-67 whenever proposed development requires approval by the Board of Adjustment of a variance, pursuant to N.J.S.A. 40:55D-70. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the Board of Adjustment. No such subsequent approvals shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and Chapter 550, Zoning. The number of votes of board members required to grant any such subsequent approvals shall be as otherwise provided in this act for the approval in question, and the special vote, pursuant to the aforesaid subsection, N.J.S.A. 40:55D-70d, shall not be required.

§ 45-25. Time for decision and certification of completeness. [Added by Ord. No. 9-80; amended by Ord. No. 30-84]

A. The Board of Adjustment shall render its decision no later than 120 days after the date an appeal is taken from the decision of an administrative officer, or of certification of completeness of an application for development to the Board of Adjustment.

B. In the event that a developer elects to submit separate consecutive applications for a use variance and for approval of a subdivision, site plan or conditional use, the one-hundred-twenty-day provision shall apply to the variance application only; and the period for taking action on the subsequent application shall be as otherwise provided in this chapter.

C. The failure of the Board to render a decision within the applicable time period, 120 days for variance applications and specified time periods as provided otherwise for other subsequent applications, or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant and a certificate from the secretary of the Zoning Board of Adjustment as to the failure of the Zoning Board to act shall be issued upon request of the applicant.

D. If an application for development is found incomplete, the developer shall be notified, in writing, of the deficiencies therein by the Board, or the Board's designee for the determination of completeness, within 45 days of the submission of such application or it shall be deemed to be properly submitted. When it has been determined by the Board, or the Board's designee for the determination of completeness, that an application meets all requirements specified in this chapter and the rules and regulations of the Board, the Board Secretary shall immediately issue a certificate to the developer that the application is complete, and the application shall be deemed to be complete as of the day it was so certified, for the purposes of the commencement of the time periods for actions by the Board.

E. The date of certification of completeness of an application for development to the Board of Adjustment shall be determined in accordance with the provisions of § 45-33 of this chapter.

ARTICLE IV
Planning Board and Zoning Board of Adjustment

§ 45-26. Conflicts of interest.

No member of the Planning Board or the Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§ 45-27. Meetings. [Amended by Ord. No. 9-80; Ord. No. 13-88]

A. Scheduled meetings. Meetings of both the Planning Board and the Zoning Board of Adjustment shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.

B. Special meetings.

(1) Special meetings may be provided for at the call of the chairperson or on the request of any two board members. Such meeting shall be held on notice to its members and the public in accordance with all applicable legal requirements.

(2) A special meeting may be held by the Planning Board or Zoning Board of Adjustment, as the case may be, upon the request of any applicant for development with the consent of the Board chairperson and upon the prior payment to the Township of a nonrefundable fee of $750 to reimburse the Township for its costs incurred in the convening of such special meeting on account of professional, secretarial and administrative expenses.

C. Quorum required. No action shall be taken at any meeting without a quorum being present.

D. Majority vote. All actions shall be taken by majority vote of the members present at the meeting except as otherwise required by any provision of N.J.S.A. 40:55D-1 et seq. (See "board rules.")

E. Open to the public. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, C. 231, Laws of N.J. 1975, N.J.S.A. 10:4-1 et seq. An executive session for the purpose of discussing and studying any matters to come before either board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.

§ 45-28. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his/her use as provided for in the rules of the Board.

§ 45-29. Fees. [Added by Ord. No. 9-80]

Fees or charges for submission of applications or for rendering of any service by the Planning Board or Zoning Board of Adjustment or any member of their administrative staffs for review

of an application for development, for inspections or for taking of appeals shall be as set forth in any general fee ordinance of the Township or as established in any ordinance regulating the use and development of land.

§ 45-30. Hearings.

A. Rules. The Planning Board and the Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq., or of this chapter.

B. Oaths; subpoenas for witnesses. The officer presiding at the hearing or such person as (s)he may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, C. 1938, N.J.S.A. 2A:67A-1 et seq., shall apply.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. Each board shall provide for the verbatim recording of the proceedings, by either a stenographer or mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his/her expense.

F. Absent Board member, voting eligibility. When any hearing before the Planning Board or the Zoning Board of Adjustment shall carry over two or more meetings a member of the Board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his/her absence from one or more of the meetings; provided, that such board member shall have available to him/her a transcript or a recording of the meeting from which (s)he was absent, and shall certify, in writing, to the Board that (s)he has read such transcript or listened to such recording.

§ 45-31. Notice requirements for hearing. [Amended by Ord. No. 9-80; Ord. No. 98-09]

Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq., and for all applications made pursuant to N.J.S.A. 40:55D-70b, seeking interpretation of the Zoning Map or ordinance or for decisions upon special questions, the applicant shall give notice thereof as follows:

A. Public notice in newspaper. Public notice shall be given by publication in the official newspaper of the Township at least 10 days prior to the date of the hearing.

B. Owners of adjacent property.

(1) Notice shall be given to the owners of all real property located in this state as shown on the current tax duplicate or duplicates located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality. Such notice shall be given by serving a copy thereof on the owner, as shown on the current tax duplicates, or his/her agent in charge of the property, or mailing a copy thereof by certified mail to the property owner at his/her address, as shown on the current tax duplicate.

(2) The above requirements shall be deemed satisfied where condominium or horizontal property regimes are within 200 feet of applicants property, by making service in the following manner:

(a) If the applicant's property abuts a condominium and the owner of any unit is within 200 feet of the applicant's property and such unit has a unit above or below it, by giving notice to the condominium association.

(b) If the applicant's property abuts a horizontal property regime and an apartment of the co-owner is within 200 feet of the applicant's property and such apartment has an apartment above or below it, by giving notice to the horizontal property regime.

(c) If the applicant is the owner of a condominium unit or co-owner of an apartment, notice shall be given to all other unit owners or apartment co-owners within 200 feet of the unit or apartment owned or co-owned by the applicant. A return receipt shall not be required. Notice to a partnership owner may be made upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Where a condominium association, horizontal property regime, community trust or homeowner's association own common elements or areas including but not limited to grass, landscaped areas, driveways, parking lots, or recreational facilities that are within 200 feet of the property which is the subject of a hearing, notice may be made in the same manner as to a corporation, without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

C. Adjoining municipality. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection H of this section to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.

D. County Planning Board. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situate within 200 feet of a municipal boundary.

E. Commissioner of transportation. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.

F. Director of Division of State and Regional Planning. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Township Clerk pursuant to Section 6b of C. 291, Laws of N.J. 1975, N.J.S.A. 40:55D-1 et seq.

G. Proof of service. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.

H. Completion by certified mail. Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state:

(1) The date, time and place of the hearing.

(2) The nature of the matters to be considered.

(3) The identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township tax assessor's office.

(4) The location and times at which any maps and documents for which approval is sought are available as required by law.

J. Maps; documents; public inspection. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the Township Clerk.

K. Notice. Notice pursuant to Subsections C, D, E and F of this section shall not be required unless public notice, pursuant to Subsections A and B of this section is required. Notice under Subsections A and B shall not be required for conventional site plan review, minor subdivision approval, or final approval, pursuant to N.J.S.A. 40:55D-50.

§ 45-32. List of property owners furnished. [Added by Ord. No. 9-80]

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Tax Assessor of the Township shall, within seven days after receipt of a request therefor, and upon receipt of a fee not to exceed $0.25 per name, or $10, whichever is greater, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice, pursuant to § 45-31B of this chapter.

§ 45-33. Complete application; certification of completeness; decisions. [Amended by Ord. No. 9-80; Ord. No. 20-84]

A. Application checklists.

(1) The checklist requirements for an application for development are as follows:

(a) Schedule A - Checklist for Minor Subdivision.

(b) Schedule B - Checklist for Major Subdivision, Preliminary.

(c) Schedule C - Checklist for Major Subdivision, Final.

(d) Schedule D - Checklist for Site Plan, Preliminary.

(e) Schedule E - Checklist for Site Plan, Final.

(f) Schedule F - Checklist requirements for appeals pursuant to N.J.S.A. 40:55D-70(a); for ordinance or map interpretations or special questions under N.J.S.A. 40:55D-70(b); for variances under N.J.S.A. 40:55D-70(c) and N.J.S.A. 40:55D-70(d); for planning variances pursuant to N.J.S.A.40:55D-34 and N.J.S.A. 40:55D-36 and for conditional uses.

(2) All applications must meet the requirements of the specific application for development checklist. If both preliminary and final approval of an application for development are being applied for at the same time, requirements of preliminary and final checklists must be met.

(3) Checklists A through F can be obtained in the offices of the Planning Board secretary and the Zoning Board of Adjustment secretary.

B. Certification of completeness.

(1) An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period, unless the application lacks information indicated on the checklist as hereinafter specified, a copy of which shall have been provided to the applicant, and the municipal agency or its authorized committee or designee has notified the applicant in writing within 45 days of submission of the application. The applicant may request that one or more of the submission requirements be waived, in which event the agency shall grant or deny the request within 45 days.

(2) Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The municipal agency may subsequently require correction of any information found to be in error and submission of additional information not specified in Subsection A or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for the

approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the agency.

C. Decisions.

(1) The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

(a) A resolution at a meeting held within the time period provided in the act for action by the municipal agency on the application for development.

(b) A memorializing resolution adopted at a meeting held no later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 (resulting from failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required under N.J.S.A. 40:55D-10. If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorneys' fees, shall be assessed against the municipality.

(2) A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for this service. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a copy of the filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the Township.

§ 45-34. Publication of decision.

A brief notice of every final decision shall be published in the official newspaper of the Township. Such publication shall be arranged by the secretary of the Planning Board or the Zoning Board of Adjustment, as the case may be, without separate charge to the applicant.

The notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

§ 45-35. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Planning Board or the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on such property, any approvals or other relief granted by either board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provision for the payment thereof in such manner that the Township shall be adequately protected.

§ 45-36. Disclosure of ownership by corporation or partnership. [Added by Ord. No. 9-80]

A. A corporation or partnership applying to a municipal agency for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units, or for approval of a site to be used for commercial purposes, shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class, or at least 10% of the interest in the partnership, as the case may be.

B. If a corporation or partnership owns 10% or more of a stock of a corporation, or 10% or greater interest in a partnership, subject to disclosure, pursuant to Subsection A of this section, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock, or of 10% or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder partner in a partnership until the names and addresses of the noncorporate stockholders and individual partners exceeding the 10% ownership criterion have been listed.

§ 45-37. Conditional approvals. [Added by Ord. No. 20-84]

A. Whenever any application for development is approved subject to specified conditions, intended to be fulfilled before the approval becomes effective, said conditional approval shall lapse and become null and void unless all specified conditions are fulfilled within 190 days of the date of conditional approval.

B. The fulfillment of all conditions precedent shall be reported in writing to the municipal agency, which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any subdivision map or site plan be assigned or any required building permit, occupancy permit or zoning permit be issued.

C. Whenever any application for development is approved subject conditions, which by their terms are incapable of being fulfilled prior to final approval of the application, the performance of which are not guaranteed by bonds or securities of any type, failure to

fulfill any such condition within six months from the date of the final approval of the application for development shall be grounds for the issuance of a stop-work order by the enforcing official and the withholding of any zoning permit, certificate of occupancy or any other approval until such condition or conditions are fulfilled.

D. Nothing herein contained shall be construed as preventing the municipal agency from specifying a longer period of time within which any specific condition must be fulfilled, or from granting, upon an ex parte application, an extension of time for fulfilling a condition for good cause shown.

E. The fulfillment of all conditions shall be reported in writing to the municipal agency which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any subdivision map or site plan be signed or any required building permit, occupancy permit, zoning permit or other required approval be issued.

ARTICLE V
Appeals
[Added by Ord. No. 9-80]

§ 45-38. Appeals to Zoning Board of Adjustment.

An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the administrative officer of the Township based on or made in the enforcement of Chapter 550, Zoning, or the official map. Such appeal shall be taken within 20 days by filing a notice of appeal in the manner set forth in § 45-20A of this chapter, and in accordance with the provisions of N.J.S.A. 40:55D-64 et seq. of the Municipal Land Use Law of 1975, as amended.

§ 45-39. Appeals from Zoning Board of Adjustment to Township Committee.

An appeal from any final decision of the Zoning Board of Adjustment granting a use variance, pursuant to the provisions of N.J.S.A. 40:55D-70(d), may be taken to the Township Committee, provided such appeal shall be made within 10 days of the date of publication of such final decision of the Zoning Board of Adjustment. Such appeal shall be made by serving the Township Clerk in person, or by certified mail, with the notice of appeal, together with a filing fee of $100 and such appeal shall be made in accordance with the provisions of N.J.S.A. 40:55D-17.

§ 45-40. Filing transcript.

Any appellant shall, within five days of service of the notice of appeal as hereinabove provided, arrange for a typed or written transcript to be prepared, pursuant to N.J.S.A. 40:55D-10, for use by the Township Committee and shall pay a deposit of $50 or the estimated cost of such transcript, whichever is less. If the appellant is not obtaining the transcript from the municipal agency, then he shall, within 35 days of the service of the notice of appeal, submit a transcript as otherwise obtained to the Township Clerk. Otherwise, the

appeal may be dismissed for failure to prosecute. Any charge by the municipal agency for furnishing a transcript of proceedings to an interested party shall not exceed the maximum permitted in N.J.S.A. 2A:11-15, and such transcript shall be certified in writing by the transcriber to be accurate.

§ 45-41. Action by Township Committee.

A. The Township Committee shall conclude a review of the record below no later than 95 days from the date of publication of notice of the decision below made, pursuant to N.J.S.A. 40:55D-10, unless the applicant consents in writing to an extension of such period. Failure of the Township Committee to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the Board.

B. The Township Committee may reverse, remand, or affirm, wholly or in part, or may modify the final decision of the Planning Board or Board of Adjustment, as the case may be.

C. The affirmative vote of a majority of the full authorized membership of the Township Committee shall be necessary to reverse, remand, or modify any final action of either board.

D. An appeal to the Township Committee shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the Board from whose action the appeal is taken certifies to the Township Committee, after the notice of appeal shall have been filed with such board, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the Board from whom the appeal is taken and no good cause shown.

E. The Township Committee shall mail a copy of its decision to the appellant, or if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the Township.

ARTICLE VI
Miscellaneous Provisions

§ 45-42. Definition of terms. [Added by Ord. No. 9-80]

Whenever a term is used in this chapter or in Chapter 470, Subdivision of Land, Chapter 424, Site Plan Review, or Chapter 550, Zoning, which is defined in N.J.S.A. 40:55D-1 et seq., as amended, such term is intended to have the meaning set forth in the definition of such term found in the statute, unless such term is specifically defined in any of the aforementioned chapters, in which event such term as defined shall be construed to be applicable to all such

chapter unless a contrary intention is clearly expressed or implied from the context in which such term is used.

§ 45-43. Performance and maintenance guarantees. [Added by Ord. No. 9-80; amended by Ord. No. 13-88]

A. Whenever it is required as a condition to subdivision or site plan approval that a performance guarantee must be furnished in favor of the Township in an amount not exceeding 120% of the estimated cost of any required improvements within the stated time, the time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township Committee by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of installation as determined as of the time of passage of the resolution.

B. Upon substantial completion of all required appurtenant utility improvements and the connection of same to the public system, the obligor may notify the Township Committee, in writing, of such completion or substantial completion as provided for in N.J.S.A. 40:55D-53d, and after inspection and report of the Township Engineer, the Township Committee may approve, partially approve or reject the improvements. Where partial approval is granted, the bond of the obligor may be reduced, provided that 30% of the amount of the performance guarantee posted may be retained to insure completion of all improvements. Notice shall be given to the obligor as required by N.J.S.A. 40:55D-53e.

C. The obligor on such bond shall reimburse the Township for all reasonable inspection fees paid to the Township engineer for any such inspections of improvements, and the developer shall post a deposit to cover such fees in such amount as required by the municipal agency having jurisdiction.

D. Before recording of the final subdivision plats, as a condition of final site plan approval, or as a condition of the issuance of a zoning permit, and prior to the acceptance by the Township Committee of any public improvement, the Planning Board and/or the Township Committee may require and shall accept, in accordance with the standards contained in this chapter and Chapter 219, Driveways, Chapter 270, Flood Control, Chapter 424, Site Plan Review, Chapter 441, Soil Erosion and Sediment Control, Chapter 446, Soil Removal, Chapter 457. Stormwater Control, the posting with the Township of Fredon, in a form approved by the Township Attorney and in an amount approved by the Township Engineer, a maintenance guarantee for a period of two years commencing upon final acceptance of the public improvement which is the subject of such guarantee, in an amount equal to 15% of the total cost of any such public improvement. However, in the event other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are otherwise covered by a maintenance guarantee to another governmental agency, no such maintenance guarantee shall be required for such utilities or improvements.

§ 45-44. Pending applications.

All applications for development filed prior to February 1, 1977 may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of Article V of this chapter.

§ 45-45. Effective date.

This chapter shall take effect on February 1, 1977.

§ 45-46. Copy to be filed with County Planning Board.

Immediately upon adoption of this chapter, the Township Clerk shall file a copy of this chapter with the County Planning Board as required by law. The Clerk shall also file with the County Planning Board copies of all other ordinances of the Township relating to land use, such as the subdivision, zoning and site plan review ordinances.

ARTICLE VII
Critical Geological Areas
[Added by Ord. No. 99-07]

§ 45-47. Purpose.

A. There are areas within Fredon Township which are underlain by carbonate bedrock such as limestone and dolomite. The solution of the bedrock causes surface depressions, open drainage passages, and the development of irregular, subsurface rock topography known as karst. These conditions make such areas unstable and susceptible to subsidence and surface collapse. As a result, the alteration of drainage patterns in these areas by the placement of impervious coverage, grade changes, or increased loads from site improvements can lead to land subsidence and sinkholes.

B. Fractures or solution openings and fissures in the limestone rock may lead to public or private water supplies, making those sources especially susceptible to groundwater contamination. Contamination of water sources can occur from solid and liquid wastes, contaminated surface water, septic tank effluent, or other hazardous substances moving through fractures or solution openings and fissures within the rock.

C. Carbonate aquifers are an important source of groundwater in Fredon Township. The Township relies on a clean supply of subsurface water to foster and promote human health, welfare and economic and social development. Therefore, the purposes of enacting this chapter are to protect, preserve and enhance a sensitive and valuable potable groundwater resource area and to reduce the frequency of structural damage to public and private improvements by sinkhole collapse or subsidence in areas of limestone geology, thus protecting the public health, safety and welfare and insuring orderly development within the Township.

§ 45-48. Applicability.

The provisions of this chapter shall be applicable to development activities in the Carbonate Area District requiring preliminary major subdivision approval or preliminary site plan approval from the Fredon Township Planning Board.

§ 45-49. Carbonate Area District.

The Carbonate Area District is hereby created and shall be any area identified as such upon the Fredon Township "Carbonate Area District" map.[3] The district shall be constituted as secondary, or as an "overlay," to the zoning districts heretofore established by the Zoning Map and may encompass all or portions of more than one existing zoning district. Regulation of the CAD shall be in addition to those requirements governing the existing zoning district. The Carbonate Area District shall contain two areas which shall be known as the Carbonate Rock District and the Carbonate Drainage Area.

A. Carbonate Rock District (CRD). The Carbonate Rock District is composed of those areas of the municipality underlain by limestone or carbonate rocks. The geologic mapping utilized to prepare the CRD overlay boundary is derived from New Jersey Geologic Survey and United States Geological Survey maps. These maps are interpretations developed from available field observations and subsurface data. Additional unmapped areas of limestone rocks may exist in Fredon Township. The provisions of this chapter may therefore be applied to any development which, in the opinion of Fredon Township, is located in an area underlain by limestone. The CRD map shall be updated as information is developed through the application of this chapter.

B. Carbonate Drainage Area (CDA). The Carbonate Drainage Area shall consist of all lands which drain surface water into the Carbonate Rock District. Changes in the quantity, quality and rate of discharge of surface water runoff from lands upslope of the Carbonate Rock District can adversely affect the CRD. Therefore, development activities in the CDA which may alter the surface drainage patterns or affect the water quality or increase runoff into the CRD shall be subject to the requirements of this chapter.

§ 45-50. General procedures for geotechnical investigation in Carbonate Area District.

A. All applicants filing for preliminary major subdivision approval or preliminary site plan approval from the Fredon Township Planning Board shall undertake a geotechnical investigation program. Projects located in the Carbonate Drainage Area shall complete the Phase I requirements. Projects located in the Carbonate Rock District shall first complete the Phase I requirements. The submission of the Phase II requirements shall be based on the recommendation of the municipal geotechnical consultant (GTC) to the Planning Board pursuant to § 45-53.

B. The geotechnical investigation program shall be prepared by a professional engineer or geologist with experience in karst terrain. The municipality's geotechnical consultant (GTC) shall be similarly qualified to review all projects submitted.

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3. **Editor's Note: Said map is included at the end of this chapter.**

C. The geotechnical investigation program shall identify the geologic nature of the materials underlying the site.

D. The geologic investigation report shall evaluate site information gathered during the geotechnical investigation, and provide recommendations for the planning, engineering design, and construction techniques to be utilized. All design recommendations shall minimize, to the greatest extent practical, impacts upon water quality and structural hazards associated with limestone formations.

E. In that the results of the geologic investigation are essential for the planning, engineering design and construction techniques to be utilized on the project, the geologic investigation program shall be completed and the geologic investigation report filed with the formal application for preliminary major subdivision or preliminary site plan approval. Prior to the submission of an application for preliminary major subdivision or a preliminary site plan, the applicant may, and is encouraged, to consult or meet informally with the municipal geotechnical consultant or the Planning Board as deemed necessary to receive guidance on their investigation.

§ 45-51. Geotechnical investigation program process.

For all properties located in the CAD, a comprehensive geologic investigation program shall be conducted by the applicant. The purpose of this program is to provide the Planning Board with sufficient data to define the nature of all existing geologic conditions that may affect construction and land use activities on the site. Specifically, the investigations shall yield information which shall demonstrate that the proposed development will identify any existing geologic conditions for which appropriate site design and/or engineering solutions may be necessary to minimize any adverse environmental impacts caused by the project. The geotechnical investigation program consists of the following:

A. The applicant shall complete the Phase I requirements. Upon completion, the applicant shall have the option to submit the information to the Planning Board to obtain an informal review and guidance prior to proceeding with Phase II.

B. The applicant shall complete the Phase II requirements. Upon completion, the applicant shall have the option to submit the information to the Planning Board to obtain an informal review and guidance prior to proceeding with the on-site geotechnical investigation.

C. Applicant undertakes on-site geotechnical investigation program in accordance with § 45-53 with observation by municipal GTC.

D. Submission of a geotechnical investigation report by the applicant.

E. Municipal GTC review of the geotechnical investigation report and final recommendation to the Planning Board.

§ 45-52. Phase I requirements.

A. U.S. Geologic Survey 7 1/2 minute topographic quadrangle maps with parcel identified.

B. U.S.D.A. Soil Conservation Service soil survey map indicating soils present on parcel.

C. Information from any special reports completed by the N.J. State Geological Survey, U.S. Geologic Survey, or the N.J. Department of Environmental Protection.

D. Site plan map at a scale of one inch equals 1,000 feet identifying proposed development site and boundaries of site that are within the CRA and/or CDA as designated on the municipal CAD map.

E. Aerial photograph print of the proposed site and surrounding area at a minimum scale of one inch equals 1,000 feet obtained during periods of minimum foliage.

F. Location of all known water production wells and well log information with 1/2 mile of the project.

G. A project sketch plat at a minimum scale of one inch equals 200 feet with existing surface water bodies, location of any existing water production wells, faults, outcrops, springs, sinkholes, disappearing streams, and surface water flows.

H. Written narrative describing proposed activity.

I. If the project includes the storage or manufacturing of toxic or hazardous materials, provide an explanation of the activity.

J. Other published geologic information which the applicant deems pertinent, such as information from other geologic investigation programs which are on file with the municipal Clerk or other agencies.

§ 45-53. Phase II requirements.

A. General requirements.

(1) Test borings and test pits are to be used as the primary means of identifying potential geologic hazards. Percussion probes and other geophysical techniques (e.g., seismic refraction and reflection, ground-penetrating radar, magnetic gravity and conductivity) can be used to provide data between test borings and pits.

(2) Proposed exploration techniques which are not outlined in this chapter may be submitted to the GTC for review and possible inclusion in the approved investigation program. Alterations to the planned program can be made during the progress of the field investigation upon request to the GTC if so required by the nature of the encountered subsurface conditions.

(3) The intention of the site investigation program is to define the nature and limits of possible design, construction and operating concerns that could result from the existence of carbonate soil and/or rock formations underlying the proposed development site.

(4) Name and address of New Jersey licensed engineer, New Jersey licensed well driller, and geologic consultant to be used.

B. Direct testing procedures.

(1) Provide number of proposed test borings. The minimum number of borings required is shown in the following table; however, the municipal geotechnical consultant may require additional tests as site conditions warrant.

Type of Development	Foundations	Infrastructure	Stormwater Management
Residential			
1 to 10 dwellings	1 per dwelling	1 per 1,000 feet roadway	2 per basin
11 to 50	0.15 per dwelling	0.75 per 1,000 feet roadway	2 per basin
>50 dwellings	0.1 per dwelling	0.5 per 1,000 feet roadway	2 per basin
Nonresidential			
0 to 5,000 square feet building area	0.4 per 1,000 square feet building area	0.33 per 1,000 S.Y. impervious	2 per basin
5,001 to 10,000 square feet building area	0.3 per 1,000 square feet building area	0.3 per 1,000 S.Y. impervious	2 per basin
>10,000 square feet building area	0.2 per 1,000 square feet building area	0.2 per 1,000 S.Y. impervious	2 per basin

* **Note:** Additional investigation may be required based upon actual field conditions encountered.

(2) Provide anticipated depth of borings. If rock is encountered within 40 feet of ground surface, a minimum of 10 feet rock is to be cored. Rock cores shall be a minimum of two inches in diameter to be obtained by double tube, split barrel coring device or equivalent.

(3) Describe boring techniques to be used. Unless written approval is obtained, all test borings will be drilled using rotary wash/without use of drilling muds. Water losses in borings are to be monitored as to depth and quantities. Air loss, drilling speed and rod drops must also be monitored.

(4) Describe proposed borehole grouting techniques. Grouting shall be in accordance with N.J.A.C. 7:9-9.1 et seq.

(5) Provide description of proposed monitoring wells.

(6) Describe anticipated soil and rock sampling procedures. Sampling shall be in accordance with ASTM D420, D1586, D1587 and D2113.

(7) Borings and test pits shall be logged in accordance with the Unified Soil Classification System and in relation to the geologic origin of the constituents of the encountered materials, i.e., light yellow brown silty clay (CH), with occasional angular dolomite fragments, moderately stiff, residual soils, some stained paleo jointing.

(8) Provide number and depth of proposed test pits. The minimum bottom area of pits shall be 10 square feet and shall encounter rock surface over 50% of the pit area.

(9) Describe proposed method of test pit backfill. Test pit backfill shall be composed of excavated material placed in layers and compacted to preexcavation density, unless authorized otherwise by GTC.

(10) Provide proposed number and types of piezometers and/or lysimeters to be used. They shall be installed and monitored in sufficient locations to identify depth to seasonable high water table and the rate and direction of groundwater flow.

(11) Provide descriptions of any other proposed methods for measuring groundwater levels and rate and direction of flow.

(12) Provide description of methods for the geochemical testing of the properties of soils, rock and water.

C. Indirect testing procedures.

(1) Provide the proposed number, anticipated depths, and measuring techniques of proposed percussion probes.

(2) Describe the proposed number of seismic refraction and reflection tests and equipment to be used.

(3) Describe the proposed number of ground-penetrating radar tests and equipment to be used.

(4) Describe the proposed number of magnetic, gravity or conductivity tests and equipment to be used.

(5) Describe geologic reconnaissance factors to be examined, i.e. vegetative changes, observable seeps or groundwater discharge, circular depressions, swales.

(6) Describe any other geologic reconnaissance field investigation techniques proposed.

D. Maps, drawings and other documentation.

(1) Provide the location of the site on 1:24,000 scale U.S.G.S. topographic map and general site plan showing proposed locations of all field testing procedures in relation to the planned development at a minimum scale of one inch equals 100 feet.

(2) Provide timetable of proposed field investigation, laboratory testing, test data receipt and final report to the Planning Board.

(3) Describe proposed technical inspection procedures during investigation. Continuous technical supervision of field investigation is strongly recommended.

(4) Describe any special factors or conditions the applicant wishes to bring to the attention of the GTC.

§ 45-54. On-site investigation protocol.

A. On-site investigations and tests undertaken pursuant to this chapter shall not begin until the applicant has submitted the appropriate fees as required in Article VIII and has provided proper notice to the municipality. The applicant shall be responsible for providing, at least 15 days prior to commencement of any testing procedures, written notice of same to the municipal Clerk, which notice shall be transmitted by certified mail, returned receipt requested or served personally. All site investigations shall be properly closed in accordance with N.J.A.C. 7:9-9.1 et seq.

B. The proposed development site shall be subject to inspection by the GTC or designated municipal inspectors at any time. All testing data and results shall be made available to municipal officials and inspectors on demand.

C. All samples taken shall be properly preserved and shall be available for examination by the municipality upon request until final action is taken by the Planning Board on the application.

§ 45-55. Geotechnical investigation report requirements.

A. At the completion of the field investigation, a formal site investigation report shall be submitted and include any of the following required information gathered during the testing protocol:

(1) Logs of all borings, test pits, and probes including evidence of cavities, loss of drilling fluid circulation during drilling, voids encountered and similar cavities.

(2) Type of drilling or excavation technique employed.

(3) Drawings of monitoring or observation wells as installed with results of monitoring.

(4) Time and dates of explorations and tests.

(5) Reports of chemical analyses of on-site surface and groundwater and the potential for reaction with the underlying rock with an assessment of the likelihood of formation of solution cavities.

(6) Names of the individuals conducting the tests if other than the New Jersey licensed engineer, New Jersey licensed well driller, or geologic consultant provided in the Phase II requirements.

(7) Analytical methods used on soils, water samples, and rock samples.

(8) A one inch equals 100 feet scale topographic map of the site (at a contour interval of two feet) locating all test pits, borings, wells, seismic or electromagnetic conductivity or other geophysical surveys in relation to the proposed development.

(9) Analysis of the groundwater, including any potentiometric maps constructed from site data or aquifer tests with rate and direction of flow.

(10) A geologic interpretation of the observed subsurface conditions, including soil and rock type, jointing (size and spacing), faulting, voids, fracturing, grain size, and the likelihood of sinkhole formation, especially in projects where water from storm sewers, roof drains, septic systems etc. is being discharged into the ground.

B. The report shall also define the extent of geotechnical findings at the site in relation to the planned development or land use. The engineering solutions proposed to minimize environmental and structural impacts for the useful life of the project as well as during construction must be clearly detailed together with the bases for the conclusions reached. The report shall, as a minimum, address the following:

(1) The probable effects of the proposed development upon Township water resources and the likelihood of future sinkhole formation.

(2) The appropriateness of the site for the proposed development and the appropriateness of the location and design of proposed roadways, buildings, and facilities for stormwater management, water supply and sewage disposal.

(3) The adequacy of support for buildings, roadways, utility lines. Foundations should be reinforced to span a minimum of 10 feet of soft soils or voids.

(4) Stormwater and sanitary sewer lines shall be designed and constructed with watertight joints which have been tested to ensure their integrity.

(5) Pipe materials, joints, construction methods and materials, and infiltration or exfiltration testing shall be subject to the approval of the municipal engineer.

(6) Pressurized utility lines shall provide for automatic shutoff when sudden pressure loss is detected.

(7) Site grading and blasting shall be minimized.

(8) General methodology for management of sinkholes or solution cavities, depressions, or other questionable areas which have been discovered during the investigation or which could be discovered during construction.

(9) Provisions for inspection and monitoring during construction and any long term inspection or monitoring which may be recommended. It is strongly recommended that the developer employ the services of an expert in construction in karst terrain to be on site during all construction activities requiring excavation.

§ 45-56. Municipal review of geotechnical investigation report.

The GTC's review of the geotechnical investigation report for proposed development in the CRD shall consider the data, formal reports, maps, drawings and related submission materials and shall advise the Planning Board whether or not the applicant has provided the municipality with:

A. Sufficient design, construction and operational information to insure that the proposed development of the tract will not adversely impact on the health, safety and welfare of the community.

B. Proof that the proposed method of development of the tract will minimize any adverse effects on the quality of surface or subsurface water, and will not alter the character of surface and/or subsurface water flow in a manner detrimental to known on-site or off-site conditions.

C. Specific details insuring that design concepts and construction and operational procedures intended to protect surface and subsurface waters will be properly implemented.

D. Specific details on inspection procedures to be followed during construction and after project completion.

E. The following note shall be provided on the final subdivision plat or final site plan for any project located within the CRD: "This site is underlain by limestone formations which are susceptible to sinkholes and subsidence. The occurrence of sinkholes and/or subsidence is not predictable and therefore the municipality, its employees, the municipal engineer, and the municipal geotechnical consultant assume no liability for any damages which may occur on private property as a result of the formation of sinkholes or subsidence."

§ 45-57. Re-evaluation.

In certain situations, a specific geologic hazard may not be identified while the geologic investigation program is underway and may be discovered during or after construction. In such cases, the applicant shall:

A. Report the occurrence of the hazard to the municipal Clerk within 24 hours of discovery.

B. Halt construction activities which would impact the geologic hazard.

C. Prepare a report on the geologic hazard which analyzes the impact of the hazard and details a remediation plan for review and approval by the municipal geotechnical consultant.

D. After obtaining approval from the municipality, perform necessary remediation of the hazard to prevent or minimize damage to buildings, structures, utilities, driveways, parking areas, roadways, and other site improvements, and to minimize pollution of the groundwater.

E. Repair any damage to improvements and restore ground cover and landscaping.

F. In those cases where the hazard cannot be repaired without adversely affecting the site plan or subdivision, the applicant shall file an amended application for site plan or subdivision approval in compliance with the provisions of this chapter.

§ 45-58. Compliance and enforcement.

A. Compliance with this chapter is required prior to the granting of preliminary major subdivision or preliminary site plan approval unless waivers have been granted by the Planning Board pursuant to § 45-60. The enforcement officials for any application requiring approval under this chapter are the municipal engineer and/or the municipal GTC.

B. Failure to comply with any of the conditions in this chapter may result in the issuance of a stop-work order, revocation of building permits, or denial of certificates of occupancy. Remedial and corrective measures may be mandated if the appropriate construction and site planning techniques, as outlined in the applicant's approved geotechnical report, are not followed and result in actions which adversely impact karst features.

§ 45-59. Application and escrow review fees.

A. Application fee. For any project in the CAD requiring a submission, the applicant shall pay an application fee in the amount of $500.

B. Review fee. Funds shall be placed in escrow for review of the application as follows:

(1) Escrow for Phase I Submittal: $1,500, plus $20 per acre in CAD.

(2) Escrow for Phase II Submittal: $5,000, plus $100 per acre in CRD.

C. Inspection fee.

(1) It is recognized that the Municipal Land Use Law, particularly N.J.S.A. 40:55D-53(h), provides a limitation on engineering inspection fees which shall, in all cases, be reasonable and shall, except for extraordinary circumstances, be limited to the greater of $500 or 5% of the cost of improvements, which cost of improvements shall be determined pursuant to N.J.S.A. 40:55D-53.4.

(2) It is also recognized that when the testing methodology provided for herein has been employed and determines the existence of critical geological formations underlying the site of the proposed development, extraordinary and exceptional construction methods may be required to be employed by the developer during site improvements, which work is required to be witnessed by the municipal engineer or his representative.

(3) The construction of improvements in developments underlain by critical geological formations is herewith deemed to constitute an extraordinary circumstance, thereby rendering inapplicable the engineering inspection fee limitations otherwise provided by N.J.S.A. 40:55D-53(h) and enabling the charging of inspection fees in

excess thereof which, in all cases, shall be reasonable and shall otherwise comply with the requirements of N.J.S.A. 40:55D-53.

§ 45-60. Waivers.

Subsequent to the submission of the Phase I information required in § 45-52, the Planning Board, upon recommendation by the municipal geotechnical consultant, may grant a waiver from all or any part of the geotechnical investigation and report requirements in § 45-53.

§ 45-61. Disclaimer of liability.

A. In limestone areas, the alteration and development of land may be hazardous with respect to the foundation safety of structures, the creation of unstable land as a result of changes in drainage and grading, and the contamination of ground and surface waters.

B. The exact occurrence of sinkholes and/or subsidence is not always predictable; therefore, the administration of these regulations shall create no liability on behalf of the municipality, the municipal engineer, the municipal geotechnical consultant, municipal employees, or municipal agencies as to damages which may be associated with the formation of sinkholes or subsidence. Compliance with these regulations represents no warranty, finding, guarantee, or assurance that a sinkhole and/or subsidence will not occur on an approved property. The municipality, its agencies, consultants, and employees assume no liability for any financial or other damages which may result from sinkhole activity.

C. It is also noted that sinkholes and ground subsidence may occur in areas outside the CRD and/or in areas of carbonate geology presently not identified as such. The applicant and/or property owner should always make independent investigations of these matters prior to using this land for construction of a building or structure or any activity which alters the soil and bedrock materials.

ARTICLE VIII
Miscellaneous Fees; Escrows and Deposits
[Amended 6-5-1972; Ord. No. 5-87; Ord. No. 98-04; 11-22-2010 by Ord. No. 2010-12]

§ 45-62. Required application and escrow fees.

This article shall provide for the establishment of a fee schedule for the payment of fees for the review and administration of land development applications submitted to the Township pursuant to the Township of Fredon land use regulations. All types of applications as listed in the fee schedule below must be accompanied, at the time of submission of the application, by the fees and escrow amounts set forth in the schedule.

A. The fees and escrow amounts shall consist of the sum of the following:

(1) An administrative fee (application fee) which is charged to the applicant to cover the costs associated with the clerical processing of the application, which fee shall

be nonrefundable, and which shall be deposited into the Township's general fund account and

(2) A professional review escrow amount which shall be deposited into the professional review escrow account, maintained by the Chief Financial Officer of the Township.

B. Application fees and professional review escrow account fees shall be paid by separate checks in order to facilitate the administration of the same.

C. The deposit required of the applicant and deposited into the professional review escrow account shall cover the costs associated with the required review of the application by the Planning Board or Zoning Board of Adjustment's engineer, planner or attorney, and for such other professionals as the Planning Board or Zoning Board of Adjustment may reasonably require, which review may include a written report on the application to be submitted to the Board.

D. Prior to withdrawing monies from the professional review escrow account, each professional engaged by the Board shall submit a detailed invoice to the Board Chairperson for approval.

E. Following completion of administration of the application, including the determination that the conditions attending thereto, if any, have been satisfied, any unused funds deposited by an applicant into the professional review escrow account shall be refunded to the applicant simultaneously with payment of the invoice of the Board's professional(s).

F. The fee schedule shall be as follows:

Fee Schedule

Type of Development Application	Application Fee	Professional Review Escrow
Concept review		
Small-scale development less than 10 acres	$100	$300
Large-scale development over 10 acres	$500	$1,000
Minor subdivision	$175	$1,500
Preliminary major subdivision		
4 to 10 lots	$750 + $25 per lot	$1,000 + $250 per lot
11 to 50 lots	$1,500 + $25 per lot	$1,000 + $225 per lot
51 to 250 lots	$2,000 + $25 per lot	$1,000 + $200 per lot
Over 250 lots	$2,500 + $25 per lot	$1,000 + $175 per lot
Final major subdivision	$250 + $25 per lot	$250 + $50 per lot
Minor site plan	$300	$1,500
Preliminary site plan		

Fee Schedule

Type of Development Application	Application Fee	Professional Review Escrow
Residential		
1 to 10 dwelling units	$750 + $25 per unit	$1,000 + $250 per unit
11 to 50 dwelling units	$1,500 + $25 per unit	$1,000 + $225 per unit
51 to 250 dwelling units	$2,000 + $25 per unit	$1,000 + $200 per unit
Over 250 dwelling units	$2,500 + $25 per unit	$1,000 + $175 per unit
Nonresidential		
0 to 10,000 square feet building area	$1,500 + $25 per 1,000 square feet	$4,000 + $200 per 1,000 square feet
10,001 to 50,000 square feet building area	$2,000 + $25 per 1,000 square feet	$4,000 + $175 per 1,000 square feet
Over 50,000 square feet building area	$2,500 + $25 per 100 square feet	$4,000 + $150 per 1,000 square feet
Wireless Communication Towers and Antennas		
With new tower	$2,000	$5,000
Without new tower	$1,000	$2,500
Final site plan		
Residential	$500	$250 + $50 per unit
Nonresidential	$750	$250 + $50 per 1,000 square feet
General development plan	$3,000	$15,000
Critical geologic areas		
Phase I submittal	$500	$1,500 + $20 per acre in CAD
Phase II submittal	$500	$5,000 + $100 per acre in CAD
Environmental impact statement		
Residential	[1]	$1,000 + $100 per unit
Nonresidential	[1]	$1,000 + $250 per acre
Driveways		
Residential (w/o engineering review)	$15	N/A
Residential (with engineering review)	$50	$300
All other driveways	$50	$500
Land disturbance/construction permit	$100	N/A

Fee Schedule

Type of Development Application	Application Fee	Professional Review Escrow
Soil disturbance	$500 + $0.05 per cubic yard[2]	$2,500
Street openings		
0 to 50 square feet	$50	$750 per day[3]
51 to 300 square feet	$300	$750 per day[3]
Over 300 square feet	$500	$750 per day[3]
Application for rezoning of a tract or parcel	$750	$3,000
Zoning variances and appeals		
Planning variances (N.J.S.A. 40:55D-34, 35 and 36)	$500	$1,500
Conditional uses (N.J.S.A. 40:55D-67)	$350	$1,000
Appeals to the Board of Adjustment [N.J.S.A. 40:55D-70(a)]	$400	$1,000
Interpretation by the Board of Adjustment [N.J.S.A. 40:55D-70(b)]	$400	$1,000
Bulk variances [N.J.S.A. 40:55D-70(c)][4]	$350	$500
Use variance [N.J.S.A. 40:55D-70(d)]	$500	$1,500
Special meeting of the Planning Board, Zoning Board of Adjustment or meeting with professionals	$250	$1,500

Notes:

1 No separate fee required.

2 Based upon volume of material moved.

3 The contractor shall provide an estimate of the number of days to complete the work. Time may be broken down into 1/2 day increments.

4 Where more than one bulk variance is requested the above stated fee shall include all variances.

§ 45-63. Continuing adequacy of professional review escrow account.

During administration of land use applications, if it appears that the actual costs incurred by the Township in administrative review response to the application submitted exceed, or are anticipated to exceed the balance of funds on deposit in the professional review escrow account, the applicant shall be so notified, in writing, by either the Chief Financial Officer of the Township or the Secretary to the land use board before which said application is pending, whereupon the applicant shall be required to pay such additional amounts as are reasonably anticipated to be sufficient for the purposes of completing the administration of the application. Failure of the applicant to remit the additional required deposit within 15 days of the date of the written request to do so, shall render the application incomplete, and no further proceedings or actions shall be taken thereon by either the Planning Board or Zoning Board of Adjustment, until there shall be compliance with the request.

§ 45-64. Inspection fees.

A. Engineering inspection fees for site improvements undertaken pursuant to approved subdivisions or site plans are limited, except in extraordinary circumstances, to the greater of $500 or 5% of the estimated cost of the improvements, which costs shall be determined by the Township Engineer, based upon documented construction costs for public improvements prevailing in the general area of the Township.

B. "Extraordinary circumstances" shall be deemed to mean those circumstances attending the undertaking and completion of improvements to a site which is the subject of an approved subdivision or site plan which include but are not limited to an unusually protracted schedule or duration of completion of improvements; excessive delays between construction activities requiring inspections; and unusual number of delays or interruptions in the construction schedule; construction not in accordance with applicable requirements requiring replacement or reconstruction of unsatisfactory items; failure of the developer or his contractor to provide adequate advance notice to the Township Engineer of the scheduling of the construction of improvements; construction work not taking place as scheduled as noticed to the Township Engineer; and other types of delays in completing the sequence of construction resulting in additional site inspections by the Township Engineer beyond what would normally be expected.

§ 45-65. Payment of professional service vouchers.

If at the conclusion of administration of a particular land development application, the funds remaining on deposit in the professional review escrow account to the credit of the applicant are not adequate to pay the amount of outstanding vouchers for professional services rendered in administrative review response to the application and the applicant has refused or neglected to pay such additional amounts due, for a period of 90 days from the date of a written request to do so, the Chief Financial Officer of the Township shall be authorized to pay such vouchers out the general fund, whereupon the Township Attorney shall be authorized to institute legal proceedings against the applicant for collection of such funds.

§ 45-66. Special meetings.

A. Special professional meeting. Any applicant for development may request that a special meeting be scheduled between the applicant and its professionals and the Board's engineer, planner or attorney. Such meeting shall be scheduled upon request of the applicant and at the discretion of the Chairperson of the Board attorney. If the request is directed to one of the Board's professionals, the professional shall notify the Chairperson, in writing, of the time and place of the meeting.

B. Special Planning Board or Zoning Board of Adjustment meeting. Any applicant may request that a special meeting of a Board be scheduled and devoted exclusively to a single application. Such meeting shall be scheduled upon request of the applicant and at the discretion of the Board Chairperson.

C. Special meetings as defined above shall be of no more than three-hour duration. The applicant shall post the required fee as defined in § 45-62F into the professional review escrow account for such meeting prior to or at the commencement of the meeting. The time of the Board's professionals required to prepare for, attend, and follow up after such special meeting shall be charged against the applicant's professional review escrow account. If such a meeting shall, by agreement of the Board and the applicant, extend beyond the three-hour meeting time allotted, the applicant shall deposit any additional funds into the professional review escrow account which may be required to cover the costs of the additional time expended by the Board's professionals for such an extended meeting. All such additional amounts shall be paid by the applicant promptly after the meeting.

§ 45-67. Apportionment of professional consultant fees for attendance at Board meetings.

A. The charges for services of the Board engineer, attorney and planning consultant for attendance at Board meetings are rendered in administrative review response to an applicant or application for development on the Board agenda, shall be apportioned on a pro rata time basis to each applicant or application appearing on the agenda of any such meeting and the professional services vouchers rendered by each such Board professional shall be itemized and apportioned to each separate matter appearing on the agenda.

B. The charges apportioned to an applicant or development application shall be charged against the professional review escrow account required to be posted by the applicant.

C. Charges for professional services rendered to the Board for attendance at all regular and special meetings, or any portion thereof, and all other professional services which do not relate directly to an applicant or development application shall be charged against and paid from the Township General Fund with funds budgeted by the Planning Board or Zoning Board of Adjustment.

§ 45-68. Engagement of outside consultants.

In the event that either the Planning Board or Zoning Board of Adjustment deems it advisable or necessary to engage the services of professional consultants other than the Planning Board

or Zoning Board of Adjustment engineer, attorney or planner to assist either the Planning Board or Zoning Board of Adjustment in the review and administration of a land use application or to render reports, advice and recommendations with respect thereto, the Board reviewing such land use application shall make the determination as to its intention to engage the services of such consultant and shall so advise the applicant in writing. The Board shall obtain from such professional consultant an estimate of the cost of the services to be rendered and the applicant shall be so advised, whereupon the applicant shall be required to post with the Secretary of the Board funds in the amount of such estimate which shall be deposited in the developer's professional review escrow account. In the event that the applicant fails to deposit the estimated funds, the application shall be deemed to be incomplete at that point and the applicant shall be so advised in writing and no further proceedings or action shall be taken by the Board until such additional funds have been deposited.

§ 45-69. Exclusivity of fees.

The fees set forth in the aforementioned schedules are exclusive of any other charges which may be required by the Township to cover the costs of furnishing copies, ordinances, list of property owners, transcripts or the inspection of buildings or improvements in conjunction with the issuance of construction permits or occupancy permits.

§ 45-70. Interest on deposits.

In the event that any fees paid by an applicant into the professional review escrow account shall exceed $5,000 such applicant's account shall be placed into an interest bearing trust account in conformance with the requirements of N.J.S.A. 40-55D-53.1. The applicant shall be notified, in writing, of the institution in which the deposit has been made and the amount of such deposit. Any interest earned on the account shall be applied in accordance with the provisions of N.J.S.A. 40:55D-53.1 The Township shall maintain records of all fees paid in accordance with generally accepted accounting principles.

§ 45-71. Rates of compensation.

A. The Township shall make all payments to professionals for services rendered to the Township for review of applications for development, review and preparation of documents, inspection of improvements and all other purposes enabled under the provisions of N.J.S.A. 40:55D-1 et seq. All deposits required of a developer for anticipated expenses for such professional services shall be placed in an escrow account subject to administration and the provisions of N.J.S.A. 40:55D-53.1.

B. All payments charged to such escrow account shall be made pursuant to vouchers from the professionals rendering services thereto, which shall state the hours devoted to the service, the hourly rate and any expenses incurred.

C. The Township shall render a written final accounting to the applicant for development on the uses to which the escrow deposit was put. Thereafter the Township shall, upon written request from a developer, provide copies of the vouchers to that developer.

D. For all professionals, other than those whose salary, staff support and overhead are provided by the Township, the charge to the escrow account shall be at the same rate and in the same manner as for all other work of the same nature by the professional employed by the Township.

ARTICLE IX
Affordable Housing

§ 45-72. Growth share. [Added by Ord. No. 2006-11]

A. Growth share, general. The growth share requirements contained in this section apply to construction in all zones within the Township. Responsibility for constructing an affordable housing unit or making a contribution in lieu of construction shall be as provided for under this section. Furthermore, this section shall apply regardless of whether a subdivision or site plan is involved in the creation of the lot under construction or if the construction is on a preexisting lot. The triggering mechanism for growth share responsibility shall be the issuance of a building permit for new construction.

B. Exceptions.

(1) Residential development that results in the construction of three or fewer new market-rate dwelling units shall be subject to development fees rather than a growth share requirement.

(2) Developments that have received unexpired preliminary or final approval from the Fredon Township Planning Board prior to the effective date of this section are exempt from the growth share requirement.

(3) Notwithstanding the foregoing, in the event an application is made to the Planning and/or Zoning Board for an extension of a preliminary or final approval, and such extension is granted, this section shall apply, and shall become a condition of such approval. In the event an application is made to the Board for a modification of an existing approval, the applicant shall be required to comply with the provisions of this section (i.e., in the event a modification to an approved subdivision results in an additional buildable lot being constructed, the new lot shall be required to comply with the growth share requirements in effect at the time the building permits are applied for such development). Compliance with this section shall be a condition of the approval.

C. Residential development.

(1) Except as exempted in Subsection B, residential development which results in the construction of new market-rate dwelling units shall provide one affordable housing unit on site for every eight market-rate units constructed. In the event that a developer is constructing fewer than eight market-rate units, it shall make a payment in lieu of construction using the formula contained in Subsection C(2) of this section.

(2) For developments that result in a number of market-rate residential units not evenly divisible by eight, the developer shall construct the whole number of

affordable units on-site, and for fractional units, the developer shall make a payment in lieu of constructing the additional affordable unit. The amount of the payment shall be established by subtracting any whole multiples of eight from the total number of market-rate residential units being created, dividing any remaining number of units by eight and multiplying the resulting fraction by $142,000.

D. Nonresidential development.

(1) All nonresidential development that results in an increase in gross floor area of any existing nonresidential building or the construction of a new nonresidential building in the Township shall provide one affordable unit for every 25 jobs that result from the application of standards adopted by COAH as follows:

Use Group	Description	Square Feet Generating One Affordable Unit	Jobs Per 1,000 Square Feet
B	Office buildings. Places where business transactions of all kinds occur. Includes banks, corporate offices, government offices, professional offices, car showrooms and outpatient clinics.	8,333	3
M	Mercantile uses. Buildings used to display and sell products. Includes retail stores, strip malls, shops and gas stations.	25,000	1
F	Factories where people make, process, or assemble products. Includes automobile manufacturers, electric power plants, foundries, and incinerators. F use group includes F1 and F2.	12,500	2
S	Storage uses. Includes warehouses, parking garages, lumberyards, and aircraft hangers. S group includes S1 and S2.	125,000	0.2
H	High hazard manufacturing, processing, generation and storage uses. H group includes H1, H2, H3, H4 and H5.	25,000	1
A1	Assembly uses, including concert halls and TV studios.	12,500	2
A2	Assembly uses, including casinos, night clubs, restaurants and taverns.	8,333	3

Use Group	Description	Square Feet Generating One Affordable Unit	Jobs Per 1,000 Square Feet
A3	Assembly uses, including libraries, lecture halls, arcades, galleries, bowling alleys, funeral parlors, gymnasiums and museums, but excluding houses of worship.	8,333	3
A4	Assembly uses, including arenas, skating rinks and pools.	8,333	3
A5	Assembly uses, including bleachers, grandstands, amusement park structures and stadiums.	Exclude	Exclude
E	Schools K-12	25,000	1
I	Institutional uses such as hospitals, nursing homes, assisted living facilities and jails. I group includes I1, I2, I3 and 14.	12,500	2
R1	Hotels and motels.	31,250	0.8
U	Miscellaneous uses. Fences, tanks, barns, agricultural buildings, sheds, greenhouses, etc.	Exclude	Exclude

(2) All nonresidential development creating fewer than 25 jobs may provide one affordable unit on- or off-site or by utilizing an alternative method of growth share compliance pursuant to N.J.A.C. 5:94-4.8 et seq. and as approved by the Township, or make a payment in lieu of constructing the affordable housing unit. If the developer selects the latter option, the payment amount shall be calculated by utilizing the second column in the chart from Subsection D(1). The formula to be used is as follows: square footage of proposed use divided by 1,000 square feet, multiplied by the number of jobs as reflected in the second column of the chart in Subsection D(1), then divide the number by 25 and multiply this number by $142,000.

Example: Proposed Construction — 4,000 square feet of office space

1. 40,000/1,000 = 4 jobs
2. Multiply by the total in #1 per 1,000 square feet (Chart 5A): 4 X 3 = 12
3. Divide the total in #2 by 25: 12/25 = 0.48
4. Multiply the total in #3 by $142,000 = 0.48 X $142,000 = $68,160

E. General provisions.

(1) Affordable housing units being constructed on-site or off-site shall meet the requirements of the Chapter 110, Affordable Housing, and shall be in conformance with COAH's third round rules at N.J.A.C. 5:94-1 et seq. and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including, but not limited to, requirements regarding maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.

(2) As an alternative to fulfilling the affordable housing requirements set forth in Subsections C and D, developers may, with the approval of the Township, utilize an alternative mechanism for providing affordable housing to meet the Township's growth share obligations as allowed by COAH pursuant to N.J.A.C. 5:94-4.8 et seq. If a developer intends to utilize an alternative mechanism, such request should be made during the preliminary land use approval process which shall be incorporated into the resolution and developer's agreement.

(3) To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.

(4) In the case of residential developments that are required to construct affordable housing, the developer must comply with the following construction schedule provided for under N.J.A.C. 5:94-4.4(f) as follows:

Percentage of Market-Rate Units Completed	Minimum Percentage of Low/Moderate-Income Units completed
25	0
25 + 1 unit	10%
50	50%
75	75%
90	100%

(a) In the case of nonresidential construction, the developer shall advise the Township of how and where developer intends to construct the affordable unit(s) as part of its preliminary application before the Planning Board or Zoning Board of Adjustment. The affordable housing unit(s) must be constructed prior to the issuance of the certificate of occupancy for the nonresidential unit. In the event that a payment in lieu of construction is to be made regardless whether it is residential or nonresidential unit, the amount per unit shall be the amount in effect at the time the property owner or developer obtains the building permit.

(b) Thirty percent of the payment in lieu of construction shall be paid at the time that the building permit is issued, and the balance shall be paid in full prior to the issuance of the certificate of occupancy.

(5) Full compliance with the affordable housing requirements is mandatory and nonwaivable. The applicant must demonstrate to the Township that the affordable housing obligation will be satisfied prior to obtaining the first building permit, with compliance being a continuing condition during construction.

(6) All affordable units shall comply with all COAH requirements, including but not limited to containing a thirty-year deed restriction as required by COAH.

(7) Affordable units: 50% of the units shall be low-income and 50% moderate-income as required by COAH.

(8) Bedroom mix shall be in accordance with current COAH rules in effect at the time the building permit is issued.

(9) Where possible, the affordable housing structures shall be consistent in size and architectural features with the neighborhood or as approved by the Planning and/or Zoning Board. Additionally, in the case of a multi-unit development the affordable units must be fully integrated with the market-rate units.

F. Payment in lieu of provisions.

(1) Any payment in lieu of amount of $142,000 (Backup documentation supporting the per-unit cost must be received.) shall be derived from the analysis of the subsidy required to create an affordable housing unit in the Township, which analysis shall be on file in the office of the Township.

(2) All payments in lieu of constructing affordable housing shall be deposited by the Township into an affordable housing trust fund to be established by the Township in conformance with regulations established by COAH and shall at all times be identifiable from development fees. These funds shall be used by the Township.

§ 45-73. Development fees. [Added by Ord. No. 2006-12]

A. Development fees, general.

(1) All residential development that results in construction of three or fewer new market-rate dwelling units shall pay a development fee of 1% of the equalized assessed value for residential development.

(2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, related to the construction of three or fewer new market-rate dwelling units, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density

permitted by right during the two-year period preceding the filing of the variance application.

(3) The term "developer" shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

(4) All residential development that results in construction of more than three new market-rate dwelling units and all nonresidential development that results in an increase in gross floor area of any existing nonresidential buildings or the construction of a new nonresidential building in the Township is subject to growth share requirements.

B. Eligible exaction, ineligible exaction and exemptions.

(1) Affordable housing developments shall be exempt from paying development fees.

(2) Expansion of existing residential structures shall be exempt.

(3) Developments that have received preliminary or final approval prior to the effective date of this section shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval, or the plan is abandoned, approval lapses, or the period of protection pursuant to N.J.S.A. 40:55D-52 expires without extension.

C. Collection of fees.

(1) Fifty percent of the development fee will be collected at the time of issuance of the building permit. The developer shall submit to the Housing Officer an estimate of the assessed value of the new construction and lot to be verified if required by the Tax Assessor.

(2) The remaining portion will be collected at the issuance of the certificate of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

(3) Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by the Township. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

D. Affordable housing trust fund.

(1) There is hereby created an interest-bearing housing trust fund for the purpose of depositing development fees collected from residential developers. All development fees paid by developers pursuant to this section shall be deposited in this fund.

(2) Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).

(3) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

E. Use of funds.

(1) Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all funds shall conform to a spending plan approved by COAH.

(2) Funds shall not be expended to reimburse the Township for past housing activities, and funds will only be expended by the Township after approval by COAH.

(3) After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Township's affordable housing obligation, at least 30% of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

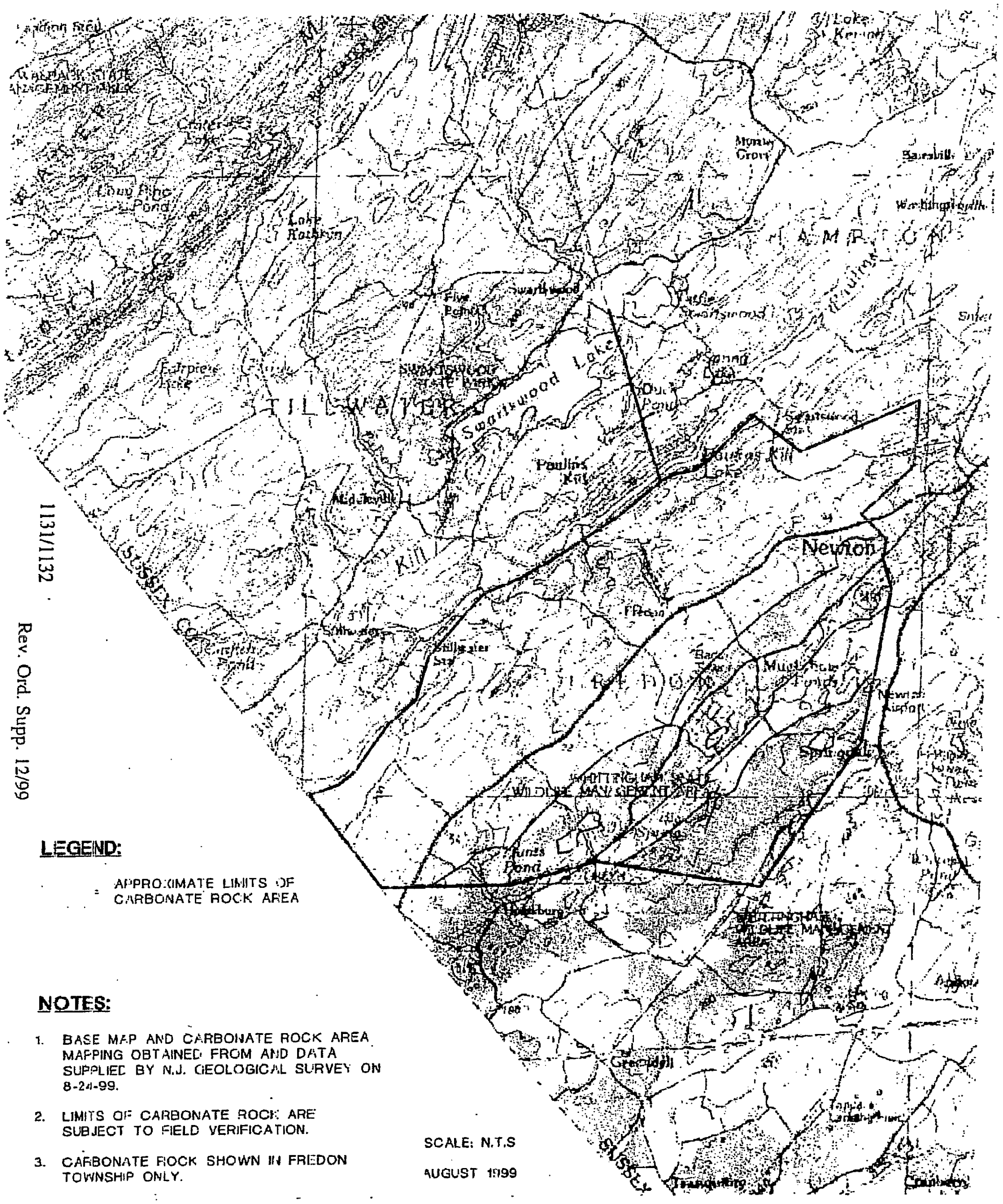
(4) No more than 20% of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.

F. Monitoring. The Township shall complete and return to COAH all monitoring forms related to the collection of development fees, expenditures of revenues and implementation of the spending plan certified by COAH. All monitoring reports shall be completed by the Township on forms designed by COAH.

45 Attachment 1

Township of Fredon

Carbonate Area District Map
Fredon Township, Sussex County, New Jersey



1131/1132

Rev. Ord. Supp. 12/99

Chapter 49

LENGTH OF SERVICE AWARDS PROGRAM

§ 49-1. Program created.
§ 49-2. Annual contributions.
§ 49-3. Criterial for eligibility.
§ 49-4. Prior years' service.
§ 49-5. Estimated cost.
§ 49-6. Points.
§ 49-7. When effective.
§ 49-8. Consumer price index adjustment.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 2001-06 (Sec. 2-16 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 58.
Personnel policy manual — See Ch. 60.

§ 49-1. Program created.

A Length of Service Award Program (LOSAP) is hereby created in accordance with the Emergency Services Volunteer Length of Service Award Program Act, N.J.S.A. 40A:14-183 to 40A:14-194 (hereinafter the "Act"), to reward members of the Township Volunteer Fire Department and First Aid Squad for their loyal, diligent, and devoted services to the residents of the Township of Fredon.

§ 49-2. Annual contributions.

The LOSAP shall provide for annual contributions on behalf of each eligible member to a deferred-income account within a plan to be established by the Township and administered in accord with the Act and all applicable state and federal law.

§ 49-3. Criterial for eligibility.

To be eligible for LOSAP contributions on his or her behalf, a member must meet the following criteria, to be determined each calendar year:

A. A member must accumulate at least 50 points for activities as set forth in the annexed Schedule A[1] during a calendar year to be eligible for the LOSAP contribution for that calendar year. There shall be no carryover from year to year.

B. The annual contribution for each eligible member shall be $600.

1. Editor's Note: Schedule A is on file in the Township offices.

C. A member shall be eligible for participation in the LOSAP program immediately upon commencement of service with the Township Volunteer Fire Department or First Aid Squad. Five years of service, as determined by N.J.S.A. 40A:14-188, shall be required for each individual member to vest in contributions made on his or her behalf.

§ 49-4. Prior years' service.

There shall be no credit for prior years' service, except for a point award as set forth in the annexed Schedule A.

§ 49-5. Estimated cost.

The estimated cost of the program is $16,800 per year.

§ 49-6. Points.

Each active volunteer member shall be credited with points for volunteer services in accordance with the activities described in the annexed Schedule A.

§ 49-7. When effective.

This section shall not take effect unless it is approved by voters as a public question at the next general election to be held after publication and passage according to law.[2]

§ 49-8. Consumer price index adjustment. [Added by Ord. No. 2006-02]

The Length of Service Award Program in the Township of Fredon is hereby amended to include the provision for a Consumer Price Index adjustment to the LOSAP contribution to qualifying active volunteer members within the plan established by the Township and administered in accord with the Act and all applicable state and federal laws.

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2. **Editor's Note: This ordinance was approved at the general election held November 6, 2001.**

Chapter 58

OFFICERS AND EMPLOYEES

ARTICLE I
Deputy Township Clerk

§ 58-1. Creation.

ARTICLE II
Code Enforcement Officer

§ 58-2. Appointment.
§ 58-3. Duties.
§ 58-4. Salary and hours.

ARTICLE III
Administrator

§ 58-5. Position created.
§ 58-6. Appointment; term.
§ 58-7. Township Clerk to serve as Administrator.
§ 58-8. Salary.
§ 58-9. Duties.
§ 58-10. Right to participate in Township committee discussions.
§ 58-11. Powers not to infringe on other Township officials or boards.

ARTICLE IV
Chief Financial Officer

§ 58-12. Position created.
§ 58-13. Duties.

ARTICLE V
Deputy Township Tax Collector

§ 58-14. Position created.

ARTICLE VI
Temporary Chief Financial Officer/Treasurer

§ 58-15. Position created.

[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Board, commissions and committees — See Ch. 9.
Defense and indemnification — See Ch. 22.
Personnel policy manual — See Ch. 60.

ARTICLE I
Deputy Township Clerk
[Adopted 6-1-1970 (Sec. 2-1 of the 1972 Revised General Ordinances)]

§ 58-1. Creation.

The position of deputy Township Clerk is hereby created and shall be filled by appointment of the Township Committee.

ARTICLE II
Code Enforcement Officer
[Adopted by Ord. No. 8-77 (Sec. 2-4 of the 1972 Revised General Ordinances)]

§ 58-2. Appointment. [Amended by Ord. No. 12-86]

There shall be a Code Enforcement Officer and Deputy Code Enforcement Officer in the Township, appointed by the Township Committee.

§ 58-3. Duties. [Amended by Ord. No. 3-81; Ord. No. 6-81; Ord. No. 90-82; Ord. 2-83; Ord. No. 10-83; Ord. No. 19-85; Ord. No. 12-86]

A. The Code Enforcement Officer shall enforce:

(1) Abandoned motor vehicles, Chapter 510..

(2) Trailer camps and trailers, Chapter 499.

(3) Zoning, Chapter 550.

(4) Refuse, litter, junk and dumping, Chapter 333.

(5) Public health nuisance code, Chapter 354.

(6) Uniform construction code, Chapter 200.

(7) Retail food establishment code, Chapter 276.

(8) Keeping of pigs, Chapter 126, Article I.

(9) Housing code, Chapter 308.

(10) Soil erosion and sediment control, Chapter 441.

(11) Street obstructions, Chapter 466, Article I.

(12) Such other ordinances and shall have such other duties as may be assigned to him/her.

B. The Deputy Code Enforcement Officer shall perform any or all of the above duties, or such other duties, as directed by the Code Enforcement Officer and/or the Township Committee.

C. Although the Code Enforcement Officer's primary responsibility shall be to enforce the above enumerated ordinances, other Township employees and officials may also enforce such ordinances; and the delegation of this enforcement duty to the Code Enforcement Officer shall not preclude others from enforcing such ordinances.

§ 58-4. Salary and hours. [Amended by Ord. No. 12-86]

The salary, working hours and schedule of the Code Enforcement Officer and Deputy Code Enforcement Officer shall be fixed by the Township Committee.

ARTICLE III
Administrator
[Adopted by Ord. No. 5-88 (Sec. 2-5 of the 1972 Revised General Ordinances)]

§ 58-5. Position created.

The office of Township Administrator is hereby created in and for the Township of Fredon pursuant to the provisions of N.J.S.A. 40A:9-136 et seq.

§ 58-6. Appointment; term.

The Township Administrator shall be appointed by the Mayor with the advice and consent of the Township Committee. The term of office of the Township Administrator shall be at the pleasure of the Township Committee.

§ 58-7. Township Clerk to serve as Administrator.

Only the Township Clerk of the Township of Fredon may be appointed the Township Administrator.

§ 58-8. Salary.

The Township Administrator shall not receive any additional compensation other than the compensation fixed for the office of Township Clerk.

§ 58-9. Duties.

It shall be the duty of the Township Administrator, under the supervision and control of the Mayor and Township Committee, and to the extent not prohibited by law:

A. To act as liaison between the Mayor, the Township Committee and all boards, departments and officers of the Township.

B. To be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations with respect to the personnel, organization and policies of the Township and any of its departments, after consultation with the Mayor and Township Committee and with department heads.

C. To have direct supervision and control over all clerical and secretarial personnel employed by the Township.

D. To aid in the preparation of the budget; alert department heads to the submission of their portion thereof; and to assist the Township Committee in obtaining necessary data for the preparation of the Township budget.

E. To investigate all complaints regarding Township services and, after consultation with the department head of the service involved, to answer same and report the disposition thereof to the Township Committee.

F. To act as agent for the Township Committee by conducting the general affairs of the Township, including purchasing, administration and enforcement of contracts, leases and franchises.

G. To attend all regular and special meetings of the Township Committee.

H. To perform such other duties as may from time to time be specifically assigned to the administrator by the Township Committee.

§ 58-10. Right to participate in Township committee discussions.

The Township Administrator shall have the right to participate in the discussion of all business and other matters coming before the Township Committee at regular and special meetings and shall have the right to attend all committee meetings.

§ 58-11. Powers not to infringe on other Township officials or boards.

Nothing herein contained shall derogate from the powers and duties of the Township Clerk, elective, appointive or other officials of the Township of Fredon, or of the boards and commissions thereof established pursuant to law, nor shall the rights and tenure of any elected official be affected.

ARTICLE IV
Chief Financial Officer
[Adopted by Ord. No. 3-89 (Sec. 2-6 of the 1972 Revised General Ordinances)]

§ 58-12. Position created.

There is hereby created the office of Chief Financial Officer.

§ 58-13. Duties.

The Chief Financial Officer shall have all the powers and perform all the duties conferred by N.J.S.A. 52:27BB-36 et seq.

ARTICLE V
Deputy Township Tax Collector
[Adopted by Ord. No. 6-94 (Sec. 2-11 of the 1972 Revised General Ordinances)]

§ 58-14. Position created.

The office of Deputy Township Tax Collector is hereby established. The appointment thereto shall be made by the governing body for a term of one year to commence on January 1 of each year. It shall be the duty of the Deputy Township Tax Collector generally to aid and assist the Township Tax Collector in the performance of the duties of his office in such manner as the Township Tax Collector shall from time to time direct. The Deputy Township Tax Collector shall perform the duties of the Township Tax Collector in the latter's absence or

incapacity under supervision of Township's Auditor or Certified Tax Collector, to be hired on temporary basis.

ARTICLE VI
Temporary Chief Financial Officer/Treasurer
[Adopted by Ord. No. 94-18 (Sec. 2-12 of the 1972 Revised General Ordinances)]

§ 58-15. Position created.

The office of Temporary Chief Financial Officer/Treasurer is hereby established. The appointment thereto shall be made by the governing body for a term of one year to commence on January 1 of each year.

Chapter 60

PERSONNEL POLICY MANUAL

§ 60-1. Ratification and amendment of personnel policy manual.

§ 60-2. Form.

§ 60-3. Amendment.

§ 60-4. Distribution of Manual to employees.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 2002-07 (Sec. 2-17 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 58.

§ 60-1. Ratification and amendment of personnel policy manual.

The Township Committee ratifies the Personnel Policy Manual previously promulgated pursuant to a resolution duly adopted by the Township Committee. The Township Committee may amend the Personnel Policy Manual pursuant to the procedures herein established.

§ 60-2. Form.

The Personnel Policy Manual shall, in a manner consistent with federal, state, and Township law, set forth in regulation form Township policies and procedures relating to the following areas:

A. Appointment, discipline, and termination of Township employees;

B. Rights and duties of Township employees as to hours of employment, vacations, leave, compensation, and other terms and conditions of employment;

C. Such other information as may be advisable in assisting employees in understanding their rights, duties, and responsibilities in the conduct of their employment.

§ 60-3. Amendment.

To amend the Manual, the Township Committee shall approve such amendment by resolution adopted not less than 30 days before the amendment is to become effective. If in the public interest such amendment shall be necessary to be effective in less than 30 days, the Township Committee may, by two-thirds vote of its full authorized membership, permit the amendment to become effective not less than 10 days thereafter. Notice of such amendment in writing must be distributed to Township employees within five days of adoption of such resolution.

§ 60-4. Distribution of Manual to employees.

The Township Clerk shall provide each employee with a copy of the Personnel Manual, as amended, upon hiring of such employee.

Chapter 85

VOLUNTEER FIRE COMPANY AND FIRST RESPONDERS

§ 85-1. Establishment and recognition.

§ 85-2. Membership.

§ 85-3. Registration.

§ 85-4. Powers during emergencies.

§ 85-5. Interference with operations.

§ 85-6. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 2002-06 (Sec. 2-14 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

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§ 85-1. Establishment and recognition.

The Fredon Volunteer Fire Company, Inc., is recognized as the Township's official volunteer fire company for the purpose of providing fire protection and other emergency services. The Fredon First Responders are recognized as the Township's official volunteer medical services company for the purpose of providing first aid and emergency medical response services to the residents of the Township and such other persons who may experience injury or illness within the Township. The composition, government, and management of each organization shall be in accordance with the constitution, bylaws, rules, and regulations of each organization, subject to the approval of the Township Committee.

§ 85-2. Membership.

Any person seeking to join either the Fredon Volunteer Fire Company or the Fredon First Responders shall make application to the entity, which application shall be considered in accordance with the bylaws, rules, and regulations of the organization into which membership is sought. After approval of membership and confirmation by the Township Committee, a new member's name shall be entered on the rolls kept by the Township Clerk of members of the organization being joined.

§ 85-3. Registration.

The Township Clerk shall perform such acts as may be necessary for the Fredon Volunteer Fire Company, Inc., and the Fredon First Responders to be recognized within the state as the official municipal agencies charged with their respective responsibilities.

§ 85-4. Powers during emergencies.

The Fredon Volunteer Fire Company and the Fredon First Responders may enact such incident command structures as may be appropriate and authorized by State regulation and policy of the National Fire Protection Association or similar body. During any emergency within the Township in which either the Fredon Volunteer Fire Company or Fredon First Responders are called out, the incident commander of either unit may, in the performance of

his or her duties and as may be necessary for the protection of health, life, and property, prohibit persons, vehicles, or other objects from approaching the scene of the emergency and may remove or cause to be removed from the scene any person, vehicle, or object that may impede or interfere with the operations of the Fredon Volunteer Fire Company or Fredon First Responders.

§ 85-5. Interference with operations.

It shall be unlawful for any person to interfere with, attempt to interfere with, or obstruct or restrict the mobility of any member of the Fredon Volunteer Fire Company or Fredon First Responders performing their duties pursuant to this section, including vehicles employed by such members in their duties.

§ 85-6. Violations and penalties.

Any person willfully failing or refusing to comply with any lawful order or direction of a member of either the Fredon Volunteer Fire Company or Fredon First Responders acting pursuant to this section, or who violates the provisions of § 85-5 hereof, shall, upon conviction thereof, be subject to a fine in the amount of $1,000 for either a first or second violation, and for a third and subsequent violation, a term of imprisonment of 90 days.

PART II

GENERAL LEGISLATION

Chapter 110

AFFORDABLE HOUSING

§ 110-1. Purpose.
§ 110-2. Definitions.
§ 110-3. Affordable Housing Board.
§ 110-4. Housing fund.
§ 110-5. Housing officer.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 9-87 (Sec. 2-10 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

§ 110-1. Purpose.

The purpose of this chapter is to create the administrative mechanisms needed for the execution of the Township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

§ 110-2. Definitions.

For the purposes of this chapter, the terms used are as defined in Chapter 550, Zoning, of this Code. In addition, the following definition shall apply:

HOUSING OFFICER — The employee, consultant, authority or government or other agency charged by the Township Committee with the responsibility of administering the affordable housing program of the Township.

§ 110-3. Affordable Housing Board.

A. Creation; appointment. There is hereby established an Affordable Housing Board which shall consist of five members appointed by the Mayor, with the advice and consent of the Township Committee.

B. Composition; term. The Board shall be composed of one member of the Township Committee, whose appointment shall be for one year, a member of the Planning Board, whose appointment shall be for three years or the duration of his/her term on the Planning Board, whichever terminates first, and three additional residents of the Township, whose terms shall be for three years each, except that when the Board is initially appointed, one resident member shall be appointed for one year, one member for two years and the third member for three years. Appointments to fill vacancies resulting from resignations or removal from office shall be for the departing member's unexpired term.

C. Compensation. The members shall serve without compensation.

D. Powers. The powers of the Affordable Housing Board shall be as follows:

(1) To recommend to the Township Committee the person or organization to be appointed as Housing Officer, and the amount of compensation to be paid to that person or organization.

(2) To recommend to the Township Committee the adoption of rules and regulations:

(a) To govern the sale or rental of affordable housing units to lower income persons pursuant to the Substantive Rules issued by the Council on Affordable Housing.

(b) To assure that the housing units built or rehabilitated for lower-income occupancy will remain available to lower-income persons for the appropriate period of time as required by the Substantive Rules issued by the Council on Affordable Housing.

(c) To establish eligibility criteria for persons wishing to purchase or rent affordable housing in the Township in accordance with the Substantive Rules issued by the Council on Affordable Housing, provided that no eligibility priorities shall be established other than those specifically set forth in the Substantive Rules.

(d) To establish screening mechanisms to ensure that all affordable housing units are occupied only by lower-income households.

(e) To administer all funds made available to the Township's housing fund from developer contributions in lieu of the construction of lower income units, as provided in § 110-4B of this Code from public sources pursuant to Subsection 2-8.5.[1]

(f) To regulate the resale of affordable housing units so as to allow lower-income households to recoup the value of any improvements to the units while providing for the recapture by the Township of any windfall profits from the resale of the units.

(g) To regulate the calculation of rents and other charges for affordable rental units for the purposes of ensuring that affordable rental units are rented only to and remain occupied only by lower-income households.

(h) To provide for a fair and equitable disbursal of funds from the housing fund, to the extent such funds are available, for rehabilitation of substandard housing occupied by lower income households and for such other purposes, including senior citizens housing construction, as may be authorized by the Township Committee.

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1. **Editor's Note: Said subsection was repealed by Ord. No. 2007-09.**

(i) To carry out such additional responsibilities as may be necessary to fulfill the Township's affordable housing program in accordance with the Fair Housing Act of 1985 and the Substantive Rules issued by the Council on Affordable Housing.

(3) To ascertain the extent and location of existing substandard housing units which may be eligible for rehabilitation and, if necessary and upon authorization by the Township Committee, to conduct a survey or to arrange to have a survey conducted.

(4) To seek out sources of government funding that will assist the Township in meeting its goals of supplying affordable housing as set forth in the adopted housing plan element of the master plan, and, upon authorization by the Township Committee, to prepare and submit applications to secure such funding.

(5) To prepare an annual budget for the Affordable Housing Board, including salaries and expenditures incurred in administering the affordable housing provisions of Chapter 550, Zoning, exclusive of expenditures for rehabilitation. The budget shall be prepared in accordance with proper municipal accounting procedures and submitted to the Township Committee for approval as part of the municipal budget.

(6) To recommend to the Township Committee the disbursement of funds from the housing fund, if such funds are available, for rehabilitation of housing and for such other purposes as may be authorized by the Township Committee.

(7) To recommend to the Township Committee reasonable fees to be charged to developers of affordable housing units to offset the costs to the Township related to the inspection and monitoring of sales and rentals of affordable housing units, but not related to any salaries or expenditures for such items as housing surveys or preparation of grant applications.

(8) To undertake such other activities as may be authorized by law to carry out the obligations of the Township to assist in providing affordable housing in accordance with the Fair Housing Act of 1985 and the Substantive Rules issued by the Council on Affordable Housing.

(9) In the absence of or until the appointment of an Affordable Housing Board, the Township Committee shall act in its stead.

§ 110-4. Housing fund.

A. Creation. There is hereby created a housing fund.

(1) Contributions from developers.

(a) Prior to the granting of preliminary approval, the Planning Board shall determine the amount to be paid by the applicant.[2]

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2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

(b) The resolution adopted by the Board shall condition its preliminary and final approvals upon payment of the required contribution at the time building permits are issued for the phase in question. A copy of the resolutions of approval shall be supplied to both the construction official and the Housing Officer.

(2) Funds from other government sources. Funds which may be received from government sources shall be paid to and deposited by the Township Treasurer in the housing fund, except that, where required by the funding source, such funds shall be held in a separate account and administered as required by the funding source.

B. Source of funds; deposit. Funds collected from developers in lieu of the construction of lower-income units shall be paid to and deposited by the Township Treasurer in an interest-bearing account designated as the "Housing Fund of the Township of Fredon."

C. Disbursements for rehabilitation.

(1) The Affordable Housing Board, subject to approval by the Township Committee, shall authorize disbursements from the housing fund for purposes of rehabilitation after the Housing Officer certifies that:

(a) The Housing Officer has examined the application and determined that the intended recipient either is a qualified low- or moderate-income household, according to income limits established by the Affordable Housing Board for the year, or is a nonoccupant owner willing to rent the unit only to a qualified low- or moderate-income household for the requisite ten-year time period following receipt of the funds or to sell the unit only to a qualified low or moderate-income household.

(b) The housing unit has been inspected and the existence of the health and safety code violations which the applicant seeks to remedy through the use of proceeds from the fund has been verified.

(c) The rehabilitation activity will result in the dwelling unit being free of code violations.

(d) The applicant has executed an agreement:

[1] To use the funds only for the approved purposes;

[2] To rent or sell the unit only to a qualified low- or moderate-income household;

[3] Upon completion of the improvements and certification of the unit as being free of code violations, to record a deed covenanting the unit for a period of 10 years for a rental unit and six years for an owner-occupied unit limiting occupancy to and maintaining affordability for a low- or moderate-income household;

[4] To otherwise comply with the rules and regulations of the Affordable Housing Board.

(2) Time requirements. Within 45 days of the execution of the agreement or within 45 days of the receipt of sufficient funds, if such funds are not immediately available, the Township shall enter into a contract or contracts for the completion of the rehabilitation work. The work so authorized by contract must be completed within three months of the date of the contract.

(3) Other disbursements.

(a) Administration. Funds may be used to reimburse the Township for salaries and other expenditures connected with the execution of the Township's responsibilities to assist in providing affordable housing in accordance with this chapter and the affordable housing provisions of Chapter 550, Zoning; provided, however, that no more than 18% of the funds collected shall be used for such purposes.

(b) Other programs. Before disbursements for other programs designed to promote the goal of providing affordable housing, the Township Committee shall have authorized such disbursements by ordinance and shall have established appropriate guidelines and procedures for such disbursements.

§ 110-5. Housing officer.

A. Establishment of position. There is hereby established the position of Housing Officer for the Township. The Housing Officer shall be appointed by the Township Committee and may be a full- or part-time Township employee, a consultant, an authority or a government or other agency contracted by the Township to perform the duties and functions of the Housing Officer. The appointment of the Housing Officer shall occur within 30 days of the submission of a complete application for an inclusionary development in the PD zone, or prior to that time if the Township Committee determines that there is a need for the services of a Housing Officer.

B. Compensation. Compensation shall be fixed by the Township Committee at the time of the appointment of the Housing Officer, upon recommendation of the Affordable Housing Board.

C. Powers and duties. It shall be the responsibility of the Housing Officer:

(1) To administer the affordable housing program of the Township in accordance with the Substantive Rules issued by the Council on Affordable Housing and the rules and regulations of the Affordable Housing Board.

(2) To maintain waiting lists of households which may eligible to rent or purchase affordable dwelling units or to obtain funding from the housing fund or from such other government funded programs as may be available to qualified applicants.

(3) To advertise the initial availability of affordable housing units, when they become available, which advertising shall be in addition to any advertising done by a developer.

(4) To advertise the availability of funds for housing rehabilitation, if and when such funds are available, or for such other affordable housing programs as may be authorized by the Township Committee.

(5) To maintain an up-to-date record of all deed-restricted affordable housing units in the Township.

(6) To monitor all transfers of ownership and changes of occupancy of all deed-restricted affordable housing units; to oversee the placement of qualified households in affordable housing units; and to enforce the affordable housing provisions of Chapter 550, Zoning, performing all of the administrative duties and functions outlined therein.

(7) To advise the Planning Board with respect to its approvals of affordable housing units and as to required developer contributions to the housing fund.

(8) To maintain detailed records of income to and expenditures from the housing fund and accounts for any government grant monies received.

(9) To perform the administrative functions associated with any government-funded housing rehabilitation, down payment assistance, or other affordable housing program, once such program has been funded.

(10) To arrange for inspections of affordable housing units as necessary to carry out the requirements of this chapter, Chapter 550, Zoning, and the rules and regulations promulgated by the Affordable Housing Board.

(11) To carry out such additional duties as may be required of the Housing Officer by the rules and regulations promulgated by the Affordable Housing Board.

Chapter 115

ALARM SYSTEMS AND DEVICES

§ 115-1. Purpose.
§ 115-2. Applicability.
§ 115-3. Definitions.
§ 115-4. General regulations.
§ 115-5. Alarm user responsibility.
§ 115-6. False alarms.
§ 115-7. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 99-03 (Sec. 3-12 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 200.

§ 115-1. Purpose.

The purpose of this chapter is to establish standards and regulations concerning the operation and maintenance of various types of intrusion, security and fire alarm devices and systems within the Township of Fredon and to provide penalties for violations hereof.

§ 115-2. Applicability.

The provisions of this chapter shall apply to any person who operates, maintains or owns any alarm device, system or local alarm designed to summon the police, fire department, or any other state, county or local emergency personnel to any location within the Township of Fredon in response to any type of signal, alarm or preprogrammed, prerecorded message.

§ 115-3. Definitions.

For the purpose of this chapter, the following definitions shall apply:

ALARM DEVICE — Any type of alarm-actuating equipment which provides warning of intrusion, fire, smoke, carbon monoxide, burglary, medical emergency, flood or like perils or emergencies, including automatic calling devices (devices using normal telephone lines transmitting notification by telephone directly to a private alarm company and then through the private company either to the New Jersey State Police, the Fredon Township Fire Department or any other state, county or local emergency personnel.

ALARM PANEL — That component installed in a central location containing alarm indications and designations.

ALARM SYSTEM — The installation in one or more buildings of one or more alarm devices for the express purpose of giving visual or audible warning, or both, of an emergency, such as a burglary, intrusion, fire, smoke, medical emergency, flood or like perils.

AUDIBLE ALARM — A device that emits an audible signal from the premises that it is designed to protect.

FALSE ALARM — Any alarm activated by inadvertent, negligent, unintentional or intentional act or omission of a person, other than an intruder or by fire, and shall also include alarms caused by malfunctioning of the alarm device or other related equipment resulting in a response by police, a first aid squad, fire department, or any other state, county or local emergency personnel where an emergency situation does not exist.

LOCAL ALARM — An audible alarm or one that when activated emits a visual or audible signal or other alarm device warning transmitted beyond the borders of the premises in which the alarm system is located, such as electronically powered smoke detector or carbon monoxide detector. It shall not include a motor vehicle antitheft alarm.

PERSON — Any natural person, partnership, corporation, association or other legal entity.

§ 115-4. General regulations.

All alarm systems referred to in the section shall, at the time of their installation and at all times thereafter, meet the following standards:

A. All alarm systems must meet reasonable safety standards, such as those acceptable to Underwriters' Laboratories or equivalent.

B. Every alarm system capable of signaling multiple types of warnings shall be equipped with separate distinguishing signals, as reasonably required by the New Jersey State Police, to the end that the appropriate authorities (including third-party providers), upon receipt of a signal, may immediately ascertain the nature and cause of the signal.

C. Alarm systems equipped with automatic calling devices connecting a private agency that shall then contact the New Jersey State Police, the Fredon Township Fire Department or any other state, county or local emergency personnel, shall be designed, installed or maintained to call only the number or numbers designated for that purpose by the New Jersey State Police and shall be equipped so that no message will be repeated more than three times. Such calling devices shall be of the digital type. Recorded-voice message devices are not acceptable.

D. All alarm systems capable of emitting audible signals shall be equipped with an operating device which will automatically, by mechanical, electrical or other means, shut off such audible signal after 15 minutes of continuous sound audible beyond the boundaries of the premises in which the alarm system is located.

E. In any case where the alarm system emits sound in violation of the foregoing subsection, the operation or maintenance of the alarm system shall be deemed to constitute the grant of permission by the owners and occupants of the premises for law enforcement, first-aid or fire officials to enter the said premises and investigate and to disconnect the alarm system.

F. The provisions of this chapter shall not apply to any alarm system installed on the property occupied by the Township, county, state or federal government agency or office or to any self-contained smoke detection device, carbon monoxide, flood, or other security device having only an indoor audible or visual alarm system which is not audible except inside the premises where the alarm is located or installed.

§ 115-5. Alarm user responsibility.

A. It shall be unlawful for any person to have control over, or to operate, or to install or maintain an alarm device within the Township of Fredon, including a private alarm company, without first notifying the New Jersey State Police of:

(1) The name of a person or persons who can be reached in case of an emergency or malfunction of the alarm device in order that the device can be temporarily disconnected;

(2) The exact location of each alarm device.

B. Persons having an alarm device which is being tested or repaired shall notify the New Jersey State Police before tests or repairs commence and after completion of same so as to avoid the possibility of activating a false alarm.

C. Each person is responsible for whatever charges are required by any alarm company making such installation and, in addition thereto, such connection and monthly maintenance as required by the alarm company responsible for the alarm board.

§ 115-6. False alarms.

A. In the case of a false alarm, any person having knowledge thereof shall immediately notify the New Jersey State Police. In the case of false alarms, the New Jersey State Police shall cause an investigation to be made and shall keep a record of said false alarms on file. For false alarms, the following penalties shall be imposed upon the person or persons having control over the alarm devices or who caused or allowed the false alarm, or both:

(1) For the first false alarm in any given calendar year, a warning shall be issued;

(2) For the second false alarm in any calendar year, a civil penalty of $25 shall be paid to the Township of Fredon;

(3) For the third false alarm in any calendar year, a civil penalty of $100 shall be paid to the Township of Fredon;

(4) For the fourth and subsequent false alarms in the same calendar year, a civil penalty not to exceed $500 for each occurrence shall be paid to the Township of Fredon, accompanied by an advisory letter from a licensed alarm company, dated within 30 days of the date of the most recent false alarm, stating that the system is operating properly. If a person fails to provide written proof that the alarm system is operating properly, as provided above, a civil penalty may be imposed up to a

maximum of $1,000 in the municipal court's discretion. However, the civil penalty for a fifth false alarm or any subsequent false alarm in the same calendar year shall be $1,000, notwithstanding any language herein to the contrary.

B. Where the investigation of the New Jersey State Police discloses continued abuse of the privileges of the alarm system either by the property owner or the private alarm company and a disregard for taking remedial steps to avoid false alarms, the Township Committee shall have the right to require the disconnection of the alarm system permanently or for a limited period of time, upon the recommendation of the New Jersey State Police, provided any person whose alarm system is to be so disconnected, shall be given an opportunity, on five days' written notice, to show cause before the Township Committee at a public hearing why such action should not be taken. In an emergency, the New Jersey State Police shall be authorized to temporarily disconnect any alarm system.

C. All necessary steps shall be taken to immediately ascertain the cause of any false alarm and the problem shall be corrected by the person maintaining an alarm system or device within 72 hours or to show cause to the New Jersey State Police why the malfunction cannot be remedied within that time period. The New Jersey State Police shall have the discretion to grant an additional period of time within which to make the repair.

D. Testing of alarm equipment. Failure to properly advise the police desk of such test will be treated as a false alarm and be subject to the same penalties.

§ 115-7. Violations and penalties.

Any person who violates the terms of this chapter shall be subject to a fine as set forth in § 115-6 for false alarms, and for other violations, shall be subject to a fine of up to $1,000 or not more than 90 days in jail, or by a period of community service not exceeding 90 days or any combination of the above.

Chapter 119

ALCOHOLIC BEVERAGES

§ 119-1. Purpose.

§ 119-2. Definitions.

§ 119-3. Licenses.

§ 119-4. Regulation of licenses.

§ 119-5. Minors and underage drinking; violations and penalties.

§ 119-6. Revocation of licenses.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 6-5-1972 (Ch. VI of the 1972 Revised General Ordinances). Amendments noted where applicable.]

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§ 119-1. Purpose.

This chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Township of Fredon in accordance with the provisions of the Legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages," comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising N.J.S.A. 33:1-1 et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control.

§ 119-2. Definitions.

For the purpose of this chapter, words and phrases herein shall have the same meanings as in N.J.S.A. 33:1-1 et seq., and the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

§ 119-3. Licenses.

A. Laws applicable. All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the act, rules and regulations referred to in § 119-1, and all other applicable laws of the State of New Jersey or the United States.

B. Issuing authority. All licenses required by this chapter shall be issued by the Township Committee, which shall also administer the provisions of this chapter.

C. License required. No person shall sell or distribute alcoholic beverages within the Township without having obtained a license in accordance with the act referred to in § 119-1 and the provisions of this chapter.

D. License fee: maximum number. **[Amended by Ord. No. 4-84; Ord. No. 2003-01]**

(1) The fee for each year listed and maximum number of licenses for the sale and distribution of alcoholic beverages in the Township shall be as follows: **[Amended 12-10-2015 by Ord. No. 2015-06]**

Plenary Retail Consumption License
Maximum number of licenses: 5

Year	Fee
2003	$480
2004	$576
2005	$691
2006	$829
2007	$994
2068	$1,192
2009	$1,430
2010	$1,716
2011 and thereafter	$2,000

Plenary Retail Distribution License
Maximum number of licenses: 1

Year	Fee
2003	$750
2004	$900
2005	$1,080
2006	$1,296
2007	$1,555
2008	$1,866
2009 and thereafter	$2,000

Club License
Maximum number of licenses: 1

2015 and thereafter	$188

(2) The provisions of this subsection with respect to the limitations on the number of licenses shall not apply to the renewal or transfer of licenses presently issued.

§ 119-4. Regulation of licenses.

A. Hours of sale. No alcoholic beverages shall be sold, delivered or served to or consumed in any licensed premises on any day between the hours of 2:00 a.m. and 7:00 a.m., except Sundays and New Year's Day each year as hereinafter provided.

B. Sundays. **[Added by Ord. No. 5-81]**

(1) The provisions of Subsection A shall not apply on Sundays. On Sundays, no alcoholic beverages may be sold, served, delivered to or consumed in the licensed premises between the hours of 2:00 a.m. and 12:00 noon.

(2) There shall be no sale by any licensee of distilled spirit products in original containers for off-premises consumption on any Sunday.

C. New Year's Day. Provisions of Subsection A shall not apply on January 1. On that day, no alcoholic beverages may be sold, served, delivered to or consumed in the licensed premises between the hours of 5:00 a.m. and 7:00 a.m., unless January 1 is a Sunday, in which case no alcoholic beverages may be sold, served, delivered to or consumed in the licensed premises between the hours of 5:00 a.m. and 12:00 noon.

D. Sales to certain persons. No licensee or employee of a licensee shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to any habitual drunkard, intoxicated person or minor, nor permit the consumption of alcoholic beverages on any licensed premises by any of the above-named classes of persons or permit any such persons to congregate on or about the licensed premises.

§ 119-5. Minors and underage drinking; violations and penalties. [Added by Ord. No. 2005-07]

A. Presence. No minor shall be allowed in any premises where alcoholic beverages are sold or served for consumption on the premises unless accompanied by his or her parent or guardian.

B. Purchase of alcoholic beverages by someone under legal age. No person under the legal age to purchase or consume alcoholic beverages shall purchase, attempt to purchase or have another purchase for him or her any alcoholic beverages on any premises licensed for the sale of alcoholic beverages.

C. Purchase of alcoholic beverages for someone under legal age. No person shall purchase or attempt to purchase alcoholic beverages for someone under the legal age to purchase or consume alcoholic beverages. It shall be unlawful for any person to induce or attempt to induce any licensee or any employee of a licensee to sell, serve or deliver alcoholic beverages to a person who is under the legal age to consume such beverages.

D. Misstating age. No person shall misrepresent his or her age or the age of another person for the purpose of inducing any licensee or an employee thereof to sell, serve or deliver any alcoholic beverages to a person under the legal age to consume such beverages, or to permit a minor to remain on any premises in violation of Subsection A.

E. Presumption. Any parent or guardian of a minor who accompanies such minor into a premises in which alcoholic beverages are served and who permits the minor to possess or consume alcoholic beverages shall be presumed to have misrepresented the age of the minor.

F. Possession. No person under legal age to consume alcoholic beverages shall possess, serve, sell or consume any alcoholic beverage in any public place within the Township.

G. Consumption or possession prohibited on private property. The consumption or possession of alcoholic beverages of any type on private property by a person who is under the legal age and without legal authority is prohibited.

(1) The provisions of this Subsection G shall not prohibit any underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in

the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages. "Guardian" means a person who has qualified as a guardian pursuant to testamentary or court appointment. "Relative" means the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

(2) The provisions of this Subsection G as to underaged possession of alcoholic beverages shall not apply to any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or postsecondary educational institution.

(3) This subsection shall not be construed to preclude the imposition of a penalty under N.J.S.A. 33:1-81, or any other section of law, against a person who is convicted of unlawful alcoholic beverage activities on or at premises licensed for the sale of alcoholic beverages.

H. Penalties. Any person who shall violate any provision of Subsection G shall be subject to a fine of $250 for the first offense and $350 for any subsequent offense. Upon conviction, the court may, in addition to the fine, suspend or postpone for six months the driving privileges of the violator.

(1) In the event a driver's license is suspended, the court shall forward a report to the New Jersey Motor Vehicle Commission (MVC) stating the first and last day of the suspension or postponement period imposed by the court pursuant to this subsection. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. If a person, at the time of the imposition of a sentence, has a valid driver's license issued by this state, the court shall immediately collect the license and forward it to the MVC along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and gender of the person, as well as the first and last day of the license suspension period imposed by the court. The court shall also inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, that person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

(2) If the person convicted under this subsection is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the MVC the required report. The court shall not collect the license of a nonresident convicted under this section. Pursuant to N.J.S.A. 40:48-1.2, upon receipt of a report by the court, the

MVC shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

§ 119-6. Revocation of licenses.

A. Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provisions of any applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control.

B. Proceedings for suspension or revocation shall be in accordance with the provisions of N.J.S.A. 33:1-31 by service of a five-day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing.

C. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

Chapter 126

ANIMALS

ARTICLE I
Pigs

§ 126-1. Permit required.
§ 126-2. Fee.
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§ 126-4. Rules and regulations.
§ 126-5. Revocation.
§ 126-6. Inspection.
§ 126-7. Exclusion.
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ARTICLE II
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§ 126-10. Conformance with provisions.
§ 126-11. Requirements.
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ARTICLE III
Licensing of Dogs; Animal Control

§ 126-14. Definitions.
§ 126-15. Annual license registration; placing tag on dog.
§ 126-16. License issued by another municipality.
§ 126-17. Application for license and tag.
§ 126-18. Rabies control: dogs, cats.
§ 126-19. Fees; expiration date of license and tag; Seeing Eye dogs exemption.
§ 126-20. Tag required.
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§ 126-22. Annual canvas report.
§ 126-23. Impounding of dogs.
§ 126-24. Disturbing the peace; barking, crying.
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§ 126-26. Running at large; leash; damage to property.
§ 126-27. Vicious or potentially dangerous dogs.
§ 126-28. Establishments for dogs.
§ 126-29. Violations and penalties.

[HISTORY: Articles I and II adopted by the Board of Health of the Township of Fredon as indicated in article histories. Subsequent articles adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 245.

ARTICLE I
Pigs
[Adopted 12-2-1957 (Sec. BH:7-2 of the 1972 Revised General Ordinances)]

§ 126-1. Permit required.

It shall be unlawful for any person to have, keep, raise or maintain more than three pigs in the Township without first having procured from the Board of Health of the Township a permit for that purpose. Such permit shall allow the holder thereof to have, keep, raise or maintain on the premises mentioned in such permit, one pig for every acre of farmland owned or rented by the holder of such permit up to a maximum of 50 pigs, regardless of additional acreage owned or rented by the holder of such permit.

§ 126-2. Fee.

Permits may be issued by the Board of Health upon the payment of a fee of $2 and shall expire annually on December 31.

§ 126-3. Issuance of permit.

No permit will be issued by the Board of Health unless the premises wherein the pigs are to be kept, raised or maintained, comply with the rules and regulations of the State Board of Health and unless in the judgment of the Township Board of Health the premises are so located and constructed that the pigs can be kept, raised or maintained in a sanitary manner and without creating a nuisance.

§ 126-4. Rules and regulations.

A. Distance. No pigs shall be kept or permitted within 200 feet of any neighbor's residence or a public road.

B. Sanitation. All buildings, yards, enclosures or premises in which any pig shall be kept, raised or maintained shall be at all times kept in a sanitary condition.

C. Violations. It shall be unlawful for any person owning, keeping or having the management or control of the premises within the Township to knowingly permit a violation of any of the provisions of this section upon the premises.

§ 126-5. Revocation.

At any time after the granting of this license or permit, the Board of Health may, in the exercise of its judgment and after five days' written notice, revoke the license or permit for cause even though the premises has been previously approved by it.

§ 126-6. Inspection.

It shall be the duty of the Board of Health of the Township to inspect or cause to be inspected, as often as the Board may deem necessary all premises wherein the pigs are kept, raised or maintained, and all premises where the Board or its duly authorized agent has reason to believe that pigs are kept, raised or maintained and the members of the Board of Health, its officers, agents or employees, shall have full and free access, ingress and egress to all barns, stables and places of every kind or character and shall have power to enter and inspect the premises used in connection with any such barns, stables or places for such purpose. The person making the inspection shall exhibit a certificate of authority under the seal of the Board.

§ 126-7. Exclusion.

Nothing in this article shall apply to, affect or cover the keeping or maintaining of pigs of less than two months of age.

§ 126-8. Licensing of trucks.

No garbage or decaying vegetable matter, decaying flesh of any animal, fowl or fish shall be transported within the Township for the purpose in connection with raising or feeding of pigs unless the same shall be transported in a truck duly approved and licensed by the Board of Health. Any such truck intended to transport garbage or the raising or feeding of pigs shall be presented for inspection to the Board of Health prior to such use and shall be so constructed that the garbage shall be contained in a covered leakproof metal body, maintainable in a sanitary condition free from noxious or offensive odors. Such license may be issued by the Board of Health upon the payment of a fee of $2 and shall expire annually on December 31 or prior thereto if the permit is revoked for cause. The provisions of §§ 126-6 and 126-7 of this article shall apply to any such truck licensed hereunder so far as practicable.

§ 126-9. Enforcement. [Added by Ord. No. BH:1-82]

This section shall be enforced by the Code Enforcement Officer.

ARTICLE II
Large Animals
[Adopted by Ord. No. BH:1-84 (Sec. BH:7-1 of the 1972 Revised General Ordinances)]

§ 126-10. Conformance with provisions.

No person, corporation, partnership or owner or lessee of real estate in the Township of Fredon shall keep any large animals, such as, but not limited to, horses, ponies, cattle, sheep and goats, except in accordance with the provisions of this article.

§ 126-11. Requirements.

The premises on which large animals are maintained shall meet and constantly conform to the following requirements:

A. The lot involved must consist of two acres or more; the keeping of one large animal is permitted. The keeping of one additional large animal is permitted for each one acre on the lot involved over the minimum of two acres.

B. The location is such as to preclude odors and sounds from interfering with the comfortable enjoyment of life and property of neighboring premises.

C. Any structure, building or enclosure to be used for the housing of such animals shall be located at least 50 feet from the main building of the site upon which the structure, building or enclosure is situated and 100 feet from any lot line.

D. Buildings, food storage bins, appliances, equipment, feeding areas and other facilities on premises are constructed with rat-proofing material and maintained in such fashion as to permit proper cleansing.

E. An adequate supply of water shall be maintained for the drinking by the animals.

F. Water or other liquid to which mosquitoes may have access is properly drained to eliminate the breeding of mosquitoes.

G. Disposition is made of animals wastes, garbage, refuse or vegetable matter to be removed from the premises in such a manner as to prevent insect breeding or rodent harborage or pollution of the air or any body of water, or the creation of any other unhealthy or unsanitary condition.

H. Rodents or insects hazardous to public health do not exist or reproduce therein or thereon.

I. Adequate measures are taken to properly fence and cage the large animals to prevent them from escaping or becoming a public nuisance.

J. No large animals except those which qualify as pets shall be kept in any dwelling house or building occupied or intended to be occupied by human beings.

§ 126-12. Applicability. [Added by Ord. No. 2002-04[1]]

The foregoing provisions shall be deemed to apply to and regulate the large animals in the AR Agricultural/Residential Zone District as set forth in Chapter 550, Zoning, of the Code of the Township of Fredon. In conflict between the terms of the foregoing provisions and those of Chapter 550, Zoning, the more restrictive provision shall prevail.

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

§ 126-13. Violations and penalties. [Amended by Ord. No. 99-06]

Any person, corporation, partnership or owner or lessee who violates any provision of this article shall be liable for penalties in accord with the schedule shown in § 1-3, and each and every day that the violation is not abated shall constitute a separate and subsequent offense.

ARTICLE III
Licensing of Dogs; Animal Control
[Adopted by Ord. No. 18-86 (Ch. V of the 1972 Revised General Ordinances)]

§ 126-14. Definitions.

As used in this article, the following terms shall have the meanings set forth below:

CERTIFIED ANIMAL CONTROL OFFICER — A person 18 years of age or older who has satisfactorily completed a course of study approved by the Commissioner of Health on the control of animals prescribed by N.J.S.A. 4:19-15 et seq., or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, certified Animal Control Officers, pursuant to the provisions of this act for a period of three years.

DOG — Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

KENNEL — Any establishment wherein or whereon the business of boarding or selling dogs sale is carried on, except a pet shop.

OWNER — When applied to the proprietorship of a dog, "owner" shall mean and include every person having a right of property in such a dog and every person who has such a dog in his/her keeping.

PET SHOP — Any room, or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

POUND — Any establishment where dogs are received, housed or distributed without charge.

SHELTER — Any establishment where dogs are received, housed and distributed.

§ 126-15. Annual license registration; placing tag on dog.

Any person who shall own, keep or harbor a dog of licensing age shall, in the month of January of each year and annually thereafter, apply for and procure from the Animal Control Officer, or other official designated by the Township Committee, a license and official metal registration tag for each such dog so owned, kept or harbored, and shall place upon each dog a collar or harness with the registration tag securely fastened thereto.

§ 126-16. License issued by another municipality.

Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey, and such license and tag issued by any other municipality of this state shall be accepted by the Township as evidence of compliance with this article.

§ 126-17. Application for license and tag.

A. When required.

(1) The owner of a newly acquired dog of licensing age or of any dog shall make application for license and registration tag for such dog within 10 days after such acquisition or age attainment.

(2) Any person who shall bring or cause to be brought into the Township any dog licensed in another state for the current year, and bearing a registration tag, and shall keep the same or permit the same to be kept within the state for a period of more than 90 days, shall immediately apply for a license and registration tag for each dog unless such dog is licensed under § 126-19C hereof.

(3) Any person who shall bring or cause to be brought into the Township any unlicensed dog and shall keep the same or permit the same to be kept for a period of more than 10 days, shall immediately apply for a license and registration tag for each such dog unless such dog is licensed under § 126-19C hereof.

B. Contents of application; information to State Department of Health.

(1) The application shall state: breed, sex, age, color and markings of the dog for which license and registration are sought; whether it is of long- or short-haired variety, whether it has been neutered, the name, street and post office address of the owner and the person who shall keep or harbor the dog, which person shall be at least 18 years of age.

(2) The information on the application and the registration number issued for the dog shall be preserved for a period of three years by the Animal Control Officer. Registration numbers shall be issued in the order of application.

(3) The Animal Control Officer shall forward to the State Department of Health each month, on forms furnished by the department, an accurate account of registration numbers issued or otherwise disposed of.

§ 126-18. Rabies control: dogs, cats.

A. Vaccination required.

(1) Dogs. No Animal Control Officer or other official designated by the governing body to license dogs shall grant any such license and official metal registration tag for any dog unless the owner thereof provides evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States

Department of Agriculture and the United States Department of Health, Education and Welfare, or has been certified exempt, as provided by regulations of the State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

(2) Cats. No person shall own, keep, harbor or have control of any cat within the Township of Fredon unless such cat has current rabies vaccination.

B. Evidence of vaccination. Evidence of vaccination, pursuant to the provisions of this section, shall be provided by the certificate of a duly licensed veterinarian or an official Township antirabies vaccination tag.

C. Exemption from vaccination. A dog or cat may be exempted from the requirements for vaccination set forth herein for a specified period of time where a certificate is presented from a duly licensed veterinarian of the State of New Jersey stating that by reason of age, infirmity or other physical condition, vaccination of such dog or cat against rabies for such a specified period is dangerous to the animal's health.

§ 126-19. Fees; expiration date of license and tag; Seeing Eye dogs exemption.

A. Fees; term. The person applying for the license and registration tag shall pay a fee for the licensing of each dog as designated in the fee schedule, § 245-2B. Such license fees as required shall be forwarded to the State Department of Health, and the balance of the fees collected shall be turned over to the Township Treasurer in accordance with N.J.S.A. 4:19-15.11. For each renewal, the fee for the license and the registration shall be the same as for the original license and tag. Licenses, registrations and tags shall expire on the last day of January in each year.

B. Delinquent fees. Any person harboring a dog or found to have an unlicensed dog by the Township Animal Control Officer, dog canvassers or any other Township official after February 1 shall be required to pay an additional late fee as shown on the fee schedule at § 245-2B. A late fee shall be charged for each month delinquent, plus the required license and registration fees as provided in this article, in addition to any fine imposed for failure to obtain a dog license before February 1.

C. Exemption from fee. Dogs used as guides for blind persons and commonly known as "Seeing Eye dogs," dogs used to assist handicapped persons and commonly known as "service dogs," or dogs used to assist deaf persons and commonly known as "hearing ear dogs" shall be licensed and registered as other dogs as hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

D. Forms and tags. License forms and uniform official metal registrations tags designed by the State Department of Health shall be furnished by the Township and shall be numbered serially and shall bear the year of issuance and the name of the Township.

§ 126-20. Tag required.

A. Tag required. No licensed dog shall be allowed off the premises of the person harboring or keeping the dog without the metal registration tag attached to its harness or collar.

B. Removal prohibited. No person, except an officer in the performance of his/her duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§ 126-21. Animal Control Officer.

The Township Committee shall appoint, at such times and for such terms as may from time to time seem expedient, one or more persons to be known as Animal Control Officers, who shall be responsible for animal control within the jurisdiction of the Township and shall enforce and abide by the provisions of this article and N.J.S.A. 4:19-15.1 et seq.

§ 126-22. Annual canvas report.

The Animal Control Officer or other such person designated by the Township Committee shall promptly after May 1 of each year cause a canvass to be made of all unlicensed dogs owned, kept or harbored within the limits of the Township. The Animal Control Officer shall report on or before September 1 of each year to the Township Clerk and the Township and State Departments of Health the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of such persons, together with a complete description of each of such unlicensed dogs.

§ 126-23. Impounding of dogs.

A. Causes for impounding. The Animal Control Officer shall take into custody or impound, or cause to be taken into custody and impounded, and thereafter destroy or dispose of as hereinafter provided in this section:

(1) Any dog off the premises of the owner or of the person keeping or harboring such dog which the Animal Control Officer, or his/her agent or agents, have reason to believe is a stray dog.

(2) Any dog off the premises of the owner or of the person keeping or harboring such dog without a current registration tag on its collar.

(3) Any female dog in season off the premises of the owner or of the person keeping or harboring such dog.

(4) Any dog or other animal which is suspected to be rabid. After observation, any animal seized under this section as suspect of being rabid shall be immediately reported to the executive officer of the local Board of Health and to the Department of Health.

(5) Any dog or other animal off the premises of its owner or keeper reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

(6) Any dog upon the public or private streets or on any public or private property other than that of its owner or keeper, not accompanied by a person over the age of 12 and not confined or controlled, as required by § 123-26B.

(7) Any dog kept in a kennel, pet shop, shelter or pound and off the premises of such establishment and not confined or controlled as prescribed by § 126-28G.

(8) Any dog running at large, in violation of § 126-26A.

(9) Any dog declared vicious, as determined by the provisions of § 126-27A and which dog has not been disposed of in accordance with Subsection C.

B. Notice of impounding.

(1) If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any persons or a registration tag, or the owner or the person keeping or harboring such animal is known, the Animal Control Officer or anyone authorized by the Township Committee shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring such animal, if known, a notice, in writing, stating that the animal has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.

(2) A notice under Subsection B(1) of this section may be served either by delivering it to the person on whom it is to be served, by leaving it at the person's usual or last known place of abode, at the address given on the collar, or by forwarding it by mail in a prepaid letter addressed to that person at his/her usual or last known place of abode, or to the address given on the collar.

C. Disposition of impounded animals. When any animal so seized has been detained for seven days after notice, when notice can be given as above set forth in this section, or has been detained for seven days after seizure when notice has not been and cannot be given as above set forth, and if the owner or person keeping or harboring such animal has not claimed such animal and paid all expenses incurred by reason of its detention, or if the animal is unlicensed at the time of the seizure and the owner or person keeping or harboring such animal has not produced a license and registration tag for such animal, the Animal Control Officer may cause the animal to be destroyed in a manner without causing pain and consistent with N.J.S.A. 4:22-19. No dog or other animal so caught, detained, procured, obtained, sent or brought to a pound shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a disorderly persons offense.

D. Fees. There shall be charged to the owner of each dog which is impounded, pursuant to Subsection B, a fee as shall be designated in the fee schedule, § 245-2B, which fees shall be paid when the dog is released.

E. Seizure of animals; entry upon private premises. Any officer or agent authorized or empowered to perform any duty under this section is hereby authorized to go upon any premises to seize for impounding any animal which (s)he may lawfully seize and impound when such officer is in immediate pursuit of such animal, except upon the premises of the owner of the animal and if the owner is present and forbids same.

F. Interference prohibited. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this section.

§ 126-24. Disturbing the peace; barking, crying.

A. No person shall keep, harbor or maintain any dog or dogs which bark or cry for more than one hour between the hours of 6:00 a.m. and 10:00 p.m., and which thereby create a nuisance and/or disturb the peace and quiet of the neighborhood.

B. No person shall keep, harbor or maintain any dog or dogs which bark or cry between the hours of 10:00 p.m. and 6:00 a.m., and which by such barking disturb the peace and quiet of the neighborhood and thereby create a nuisance.

§ 126-25. Defecation on public or private lands.

A. Purpose. The purpose of this section is protect the health, safety and welfare of all those frequenting this Township, by preventing the needless health hazards and nuisances caused by dog feces upon public and private property located within the Township.

B. Defecation on private property. No person owning or in charge of any dog shall cause or allow such dog to soil, defile, defecate upon or commit any nuisance upon any private property, without the permission of the owner of the property. Any person owning or in charge of a dog which soils, defiles, defecates or commits any such nuisance shall immediately remove all feces deposited by such dog in a sanitary manner.

C. Defecation on public property. No person owning or in charge of any dog shall cause or allow such dog to soil, defile, defecate upon or commit any nuisance on any place where people congregate or walk, or upon any public property. Any person owning or in charge of a dog which soils, defiles, defecates or commits any such nuisance shall immediately remove all feces deposited by such dog in a sanitary manner.

D. Defecation on owner's property. No person shall permit the accumulation of dog feces upon his/her own property, or property occupied by him/her, to the extent that the odor may be noticeable to any adjoining property owners.

E. Disposal of defecation. The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such dog in a sealed, nonabsorbent, leakproof container. Disposition in a sanitary manner shall include taking the feces home for deposit, or wrapping the feces and placing same in a trash can. It shall

not include burial, disposal by placement in a storm sewer, or placing unwrapped feces in a trash can.

F. Defense to violation. It shall be a complete defense to violations of Subsections B, C and D if a person shall have immediately removed such defecation and disposed of it in a sanitary manner.

G. Seeing Eye dogs. The provisions of this section shall not apply to blind persons who may use their dogs as guides.

H. Complaints of violations. In the event of a violation on private property, a complaint is only to be filed by the owner of such property. In the event of such a violation occurring on public property, thoroughfares, walkways or parks a complaint may be filed by any witness to such an act.

I. Enforcement. It shall be the duty of the Animal Control Officer to enforce the provisions of this section.

§ 126-26. Running at large; leash; damage to property.

A. Running at large.

(1) Prohibited. No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets, in any public park, in any public building, in any other public place or on private property, other than the property of the owner, within the Township.

(2) Violation; complaint. When a dog has been impounded for running at large, the Animal Control Officer may file a complaint of this violation in the municipal court.

B. Dog to be accompanied by person over 12 years old; leash. No person owning, keeping or harboring any dog shall suffer or permit it to be upon any public place in the Township unless such dog is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet long.

C. Damage to property. No person owning, keeping or harboring a dog shall permit it to do any injury or to do any damage to any lawn shrubbery, flowers, grounds or property or a complaint may be made against the owner or keeper of such dog.

§ 126-27. Vicious or potentially dangerous dogs. [Added by Ord. No. 97-03; amended by Ord. No. 2004-02]

A. Statutory requirement. Pursuant to N.J.S.A. 4:19-17 et seq., which declares that it is appropriate and necessary to impose a set of requirements on owners of vicious and potentially vicious dogs, and N.J.S.A. 4:19-36, which provides that the state statute shall supersede any law, ordinance or regulation concerning vicious or potentially vicious dogs, the Township Committee adopts by reference N.J.S.A. 4:19-18 et seq. and regulations adopted pursuant thereto.

B. Fees for license. The annual fee for a potentially dangerous dog license shall be as set forth in § 245-2B.

§ 126-28. Establishments for dogs.

A. License required; term. Any person who keeps, operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Animal Control Officer for a license entitling him/her to keep or operate such establishment. All licenses issued for such establishments shall state the purpose for which the establishment is maintained; shall expire on the last day of January of each year, and shall not be transferable to another owner or different premises.

B. Exemption from individual licenses. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments.

C. Application for establishment license. The license application shall describe the premises where the establishment for a kennel, pet shop, shelter or pound is located or proposed to be located, the name and permanent and local address of the applicant, the maximum number of dogs to be accommodated by such establishment at any one time and the purpose or purposes for which it is to be maintained. The application shall be accompanied by written approval of the Township sanitarian showing compliance with the local and state rules and regulations governing the location and sanitation of such establishments.

D. Revocation of license. All licenses issued for a kennel, pet shop, shelter or pound shall be subject to revocation by the Township Committee upon recommendation of the State Department of Health or the Township Department of Health for failure to comply with the applicable provisions of this section, or the rules and regulations of health governing the same, after the licensee has been afforded a hearing by either the State Department of Health or the Township Department of Health for failure to comply with the applicable provisions of this section, or the rules and regulations of health governing the same, after the licensee has been afforded a hearing by either the State Department of Health or the Township Committee.

E. Fees: payment; exemption.

(1) The annual license fee for a kennel or pet shop shall be as set forth in the fee schedule, § 245-2B. No fee shall be charged for a shelter or pound.

(2) License fees for dog establishments shall be paid with the application.

F. Disposition of fees. License or other fees collected under the provisions hereof, except those paid to the State of New Jersey, shall be turned over to the treasurer within 30 days of collection. The fees collected shall be accounted for and spent in accordance with N.J.S.A. 4:19-15.11, as amended.

G. Dogs off premises. No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on leash, in a crate or under other safe control.

H. List of licensed dog establishments to be forwarded to State Department of Health. The Animal Control Officer shall forward a list of all kennels, pet shops, shelters and pounds licensed, within 30 days alter the licenses therefore are issued, which list shall include the name and address of the licensee and the kind of license issued.

§ 126-29. Violations and penalties. [Amended by Ord. No. 97-03]

A. Any person who violates any provision of this article may, upon conviction thereof, be fined in an amount specified herein for each violation, or may be imprisoned for a period not to exceed six months, or both, at the discretion of the court before whom the complaint is made. A separate offense shall be deemed committed on each day during or on which a violation of this article occurs or continues.

		Offense		
Code Reference		**First**	**Second**	**Third and Subsequent**
§ 126-15	Unlicensed dog	$25	$100	$250
§ 126-23F	Interference with officer	$100	$250	$500
§ 126-24	Disturbing the peace, barking or crying	$50	$100	$250
§ 126-25	Defecation	$50	$100	$250
§ 126-26A and C	Running at large or damaging property	$50	$100	$250
§ 126-26B	Dog control/leash	$25	$50	$100
§ 126-27	Vicious dogs	Not more than $1,000 per day		
	Dogs attacking other animals	$100	$250	$500

B. Any other violations of this article shall be set forth in Chapter 1, Article II, of this Code.

Chapter 141

BILLBOARDS

§ 141-1. Lease of billboard prohibited. **§ 141-2. Construal of provisions.**

[HISTORY: Adopted by the Township Committee of the Township of Fredon 6-28-1955 (Sec. 3-3 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 550.

§ 141-1. Lease of billboard prohibited.

No person shall hereafter erect or maintain or enter into any agreement or lease or extension of a lease to erect or maintain a billboard or other structure for advertising purposes within the Township.

§ 141-2. Construal of provisions.

Nothing in this chapter shall be construed to prohibit any person from erecting or maintaining a billboard or other structure for the outdoor display of advertising matter on premises where the business advertised is carried on.

Chapter 152

BODY ART ESTABLISHMENTS

§ 152-1. Adoption of Code.
§ 152-2. Licensing of body art establishments.
§ 152-3. Enforcement; violations and penalties.

[HISTORY: Adopted by the Board of Health of the Township of Fredon Ord. No. 2003-07 (Ch. BH-IX of the 1972 Revised General Ordinances). Amendments noted where applicable.]

§ 152-1. Adoption of Code.

The Code established and adopted by this chapter is described and is commonly known as the "State Sanitary Code" pursuant to N.J.S.A. 26:1A-6 et seq. A copy of the Code and the regulations adopted thereunder pursuant to N.J.A.C. 8:27-1.1 et seq. are annexed hereto and made part hereof without the inclusion of the text thereof herein.[1]

§ 152-2. Licensing of body art establishments.

A. License required. It shall be unlawful for any person to engage in the business of operating an establishment where body art procedures are performed without first obtaining a license from the Township of Fredon.

B. Lower earlobe piercing licenses. Lower earlobe piercing licenses shall be issued on an annual basis upon payment of an annual license fee of $50 and upon satisfactory inspection by the Health Department.

C. Body art establishments licenses. Body art establishments licenses shall be issued on an annual basis upon payment of an annual license fee of $500 and upon satisfactory compliance with the New Jersey Sanitary Code and regulations adopted thereunder.

D. Septic system inspections. Body art facility locations are subject to septic system inspection by the Health Department. Evidence of a failing or malfunctioning septic system would be cause for the immediate closure of said facility until the violation is abated to the satisfaction of the Health Department.

E. Water quality testing. Body art facility locations are subject to testing for water quality. Evidence of a failing of water quality would be cause for the immediate closure of said facility until the violation is abated to the satisfaction of the Health Department.

F. Medical waste. Medical waste generated at a body art facility shall be stored and disposed of properly and according to state regulation.

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1. **Editor's Note: Said code and regulations are on file in the Township offices.**

§ 152-3. Enforcement; violations and penalties.

A. Enforcement and penalty action. Any violation of the provisions of this chapter or the New Jersey Sanitary Code and regulations adopted thereunder shall be grounds for enforcement action by the Township of Fredon. Such penalty action may include a summons being issued in municipal court, or suspension or revocation of nonrenewal of the body art establishment license issued by the Township of Fredon.

B. Penalty. Any person violating any provision of this chapter shall, upon conviction thereof, pay a penalty. Said penalty shall include a fine of not less than $100 nor more than $1,000 for each offense, unless otherwise provided by law. Each day that the violation exists is considered to be a separate offense.

Chapter 200

CONSTRUCTION CODES, UNIFORM

§ 200-1. Relinquishment of jurisdiction.

§ 200-2. Records and files.

§ 200-3. Construction Code fees.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 7-14-2011 by Ord. No. 2011-08. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 262.
Flood control — See Ch. 270.
Housing standards — See Ch. 308.
Numbering of buildings and lots — See Ch. 359.
Site plan review — See Ch. 424.
Soil erosion and sediment control — See Ch. 441.
Stormwater control — See Ch. 457.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

§ 200-1. Relinquishment of jurisdiction.

The Township of Fredon, pursuant to N.J.S.A. 52.27D-124 and N.J.A.C. 5:23-4.3, hereby relinquishes its jurisdiction of the administration and enforcement of the Uniform Construction Code and transfers jurisdiction for the administration and enforcement of the Uniform Construction Code to the Department of Community Affairs of the State of New Jersey. The transfer of jurisdiction pursuant to this section shall not take effect until the expiration of 120 calendar days from the date a certified copy of this chapter is forwarded to the Department of Community Affairs or until the Department of Community Affairs shall exercise its jurisdiction to enforce the Uniform Construction Code, whichever is sooner.

§ 200-2. Records and files.

The Township of Fredon shall make available to the Department of Community Affairs any and all records and files of the municipality necessary for the Department to carry out its functions.

§ 200-3. Construction Code fees.

Fees for services provided for inspections, permits and enforcement of the Uniform Construction Code shall be as established by the Department of Community Affairs, which schedule is adopted by reference.

Chapter 219

DRIVEWAYS

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Typical Driveway Entrance at Road

Typical Driveway Passing Area

[HISTORY: Adopted by the Township Committee of the Township of Fredon 12-9-1982 (Ch. XIIIA of the 1972 Revised General Ordinances); amended in its entirety 11-22-2010 by Ord. No. 2010-12. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 200.
Numbering of buildings and lots — See Ch. 359.
Streets and sidewalks — See Ch. 466.
Subdivision of land — See Ch. 470.

ARTICLE I
General Provisions

§ 219-1. Short title.

This chapter shall be known and may be cited as "The Driveway Ordinance of Fredon Township."

§ 219-2. Purpose.

The purpose of this chapter is to control the access to lots and parcels of land lying in the Township and to assure that any access provided to such lots or parcels of land meet the minimum requirements hereinafter set forth and assure safe ingress and egress to such property.

ARTICLE II
Terminology

§ 219-3. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates a different meaning. For words utilized in this chapter, but not defined herein, the definitions utilized in other chapters of this Code shall apply.

ALTERED DRIVEWAY — An existing point of access where the present sight distance has been reduced more than 10% or the grade within the first 25 feet from the intersecting road has been altered more than 10%.

DITCHES AND DRAINAGEWAYS — Any stream, watercourse, pond, swale, swamp, depression or ditch that must be crossed in connection with the construction of a driveway.

DRIVEWAY — A defined paved or unpaved surface providing vehicular access to a street. A driveway is not a road, street, boulevard, highway, or parkway.

PUBLIC ROAD — Any road that meets the definition and requirements as set forth in N.J.S.A. 40:55D-35.

ARTICLE III
Permits

§ 219-4. Permit required.

A. No new driveway may be constructed or existing driveway altered by any person without first obtaining a permit from the Construction Official as set forth herein.

B. The authority of the Township to regulate the construction of driveways is contained in N.J.S.A. 40:48-1 et seq.

§ 219-5. Application requirements.

Any person wishing to construct a new driveway or alter an existing driveway shall file an application with the Construction Official. Such application shall contain the following information:

A. The number of driveway openings requested.

B. The land use of the lot to which access is sought.

§ 219-6. Plat required.

A plat delineating the following shall be submitted with the application:

A. North arrow and scale of plat.

B. Name of abutting road.

C. Identification of closest intersecting road and distance from the proposed point of access.

D. Location of the proposed driveway with respect to the nearest sideline of the subject lot.

E. The lot width of the subject lot.

F. The edge of the pavement of the abutting road, type of road surface and culverts, utility poles, storm drains, swales and/or ditches within the right-of-way in front of the subject lot.

G. The edge of the right-of-way of the abutting road.

H. The location of any existing or proposed dwelling and/or garage and of any existing or proposed septic system or well if they are within 50 feet of the proposed driveway.

I. The proposed surfacing material of the driveway.

J. Proposed storm drainage improvements, if any, in accordance with normal design standards.

K. Sight distances as required herein.

§ 219-7. Application fee.

The permit fee shall, pursuant to the provisions of this chapter, be included as part of the building permit fee except where an alteration is being made on an existing driveway, which shall then require a fee as set forth in Article VIII of Chapter 45, Land Use Procedures. In cases where an engineer inspection is needed, the applicant shall pay the fee.

§ 219-8. Building permit.

No building permit shall be issued for the construction or alteration of any structure where inherent in any application a driveway permit is required, in accordance with the terms of this chapter, until the driveway permit has been issued. The driveway and any house foundation may be constructed simultaneously.

ARTICLE IV
Minimum Requirements

§ 219-9. Permitted driveways.

The number of driveways permitted from any lot to any abutting road shall be in accordance with the following standards, except where conditions of safety of the general motoring public may be impaired:

A. Single-family residence zones.

Lot Width	Permitted Number of Driveways
Up to 200 feet	1
200 feet or more	2

Circular driveways containing two driveway openings may be constructed on lots containing a width of 200 feet or more.

B. All other zone districts. In determining the number of driveways to be permitted in all other zone districts, the requirements for development set forth in Chapter 550, Zoning, shall be considered as minimum requirements and at the time of site plan review, proposed driveway locations shall be reviewed in accordance with the site plan review standards, taking into consideration, to be applied where appropriate, the county standards for access to county roads.

§ 219-10. Sight distances required.

Exit driveways shall be designed in profile, grading and location to permit the following minimum sight distances measured in each direction along the intersecting roads. Sight distances shall be measured from a point 3 1/2 feet above the center line of the proposed driveway, 10 feet from the edge of the road, to a point 3 1/2 feet above the center line of the approaching lane of the intersecting roadway. There shall be a one-foot sight distance clearance between the measured sight line and the finished grade. All necessary grading and removal of vegetation within the sight triangle shall conform to the following criteria:

Design Speed of Roadway (mph)	Required Sight Distance (feet)
20	120

Design Speed of Roadway (mph)	Required Sight Distance (feet)
25	150
30	200
35	250
40	325
50	475

§ 219-11. Angle of intersection.

All driveways constructed or altered within 50 feet of the center line of the road shall intersect the abutting road at an angle as near to 90° as sight conditions will permit but in no case less than 70°.

ARTICLE V
Design Standards

§ 219-12. Emergency vehicle access.

To assure access for emergency vehicles, the driveway shall contain no curvature with less than a sixty-foot radius and the driveway crown shall be relatively flat to prevent dragging of any vehicle undercarriage. Reasonable cutting and filling may be used to achieve compliance with the above requirements.

§ 219-13. Width and length.

A. Driveways serving as access to a single residence shall have a minimum improved surface width of 12 feet and a minimum clear graded width of 16 feet. Common driveways serving two or more residences shall have a minimum improved width of 20 feet and a minimum clear graded width of 24 feet.

B. All driveways constructed or modified shall have a minimum driving width of 12 feet.

C. The minimum driveway center line radius shall be 60 feet. Center-line radii less than 100 feet shall have a pavement width of 10 feet established along the inside of said curve for the entire length thereof.

D. All driveways which exceed 300 feet in length shall be additionally improved with a minimum of two passing areas located in appropriate locations along the length of the driveway and within sight of each other. One passing area shall be located within 50 feet of the intersecting public roadway, and the other shall be located as far into the subject property as possible without interrupting the required visual connection. Additional passing areas may be required depending upon the topography and vegetation of the site and the proposed driveway design. All passing areas shall be cleared and graded to a minimum width of 22 feet and shall be improved to a minimum width of 18 feet and a length of 25 feet with fifteen-foot tapers on either end. Driveway passing areas shall be

constructed in conformance with the figure entitled: "Typical Driveway Passing Area" which shall be deemed to constitute a part of this chapter.[1]

§ 219-14. Location.

A. All driveways shall be located a minimum of 10 feet, measured horizontally, from all side and rear property lines.

B. No driveway, exclusive of those located in the MUMD Zone, shall be located within 50 feet, measured along the right-of-way, of any other driveway.

C. When a site from which a driveway is proposed occupies a corner of two intersecting roads, no driveway entrance or exit shall be located within 25 feet of the point of tangency of the existing or proposed curb radius of that site, or in any sight triangle easement.

§ 219-15. Common driveways.

To ensure maintenance and repair, common driveway shall be held in common ownership by a homeowners' association, as detailed in §§ 550-107 and 550-108 of Chapter 550, Zoning.

§ 219-16. Drainage.

A. All driveways shall be designed in profile and grading so that drainage does not negatively impact the downstream areas including public rights-of-way and adjacent properties.

B. Driveways shall be graded such that any accumulated stormwater flow is allowed to drain at multiple locations along the proposed driveway alignment, in order that stormwater shall sheet flow across stable or stabilized vegetated areas or across constructed stone or other form of impervious aprons so as to not accumulate along the entire length of the driveway or negatively impact the intersecting roadway or adjoining properties.

C. All existing drainage courses, patterns and flows shall be preserved to the greatest extent practicable.

D. Driveway drainage shall be designed by utilizing existing low-lying depressions, located outside of public rights-of-way and within the boundaries of the lot being served by the driveway. Such low-lying areas shall function as natural drainage basins in order to attenuate stormwater flow increases generated by the proposed driveway construction. Driveway drainage shall be channelized or piped into such low-lying areas when necessary and appropriate and as required by the Fredon Township Engineer.

E. Minimum pipe sizing along proposed driveways shall be fifteen-inch, without regard to flow capacity, in order to facilitate maintenance.

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1. **Editor's Note: Said figure is included at the end of this chapter.**

F. Driveway drainage shall be designed and constructed so as to tie into existing stormwater drainage systems where necessary or appropriate and when and as permitted by the approving authority or the Fredon Township Engineer.

G. All required drainage easements shall be designated on a driveway plan and established on record in the Sussex County Clerk's Office.

H. All piping constructed within municipal rights-of-way shall be reinforced concrete pipe having a minimum diameter of 15 inches.

I. The use of stone or other impervious surface gutters to prevent erosion along driveway borders shall be deemed to be an acceptable method. Such gutters shall be of sufficient size and material to prevent washout of the stone or other surface and shall be underlain with filter fabric.

J. All driveways shall be designed and constructed so that existing drainage ditches and drainageways are not obstructed. Where necessary to provide or maintain free flow, which cannot be maintained with a shallow dish gutter, a reinforced concrete pipe, having minimum diameter of 15 inches, shall be installed in the ditch or drainageway.

§ 219-17. Paving and grading.

A. The slopes established in graded areas shall constitute an extension of the driveway cross slope. Slopes beyond the graded portion of the driveway shall not exceed a 2:1 slope. When retaining walls are required or proposed to meet grading requirements, such walls shall be positioned a minimum of one foot (12 inches) beyond the clear graded width of the driveway. No vertical obstructions shall be permitted from the surface of the graded width area to a point 14 feet above same.

B. No portion of any driveway shall be constructed at a grade exceeding 15%. Changes in vertical grades shall be accomplished with smooth vertical curves not less than 10 feet in length. A landing area extending no less than 20 feet from the proposed garage or driveway terminus shall be installed at a grade not to exceed 5%. Driveway intersections shall be designed and constructed in conformance with the figure entitled "Typical Driveway Entrance at Roadway" which shall be deemed to constitute a part of this chapter.[2]

C. All common driveways shall be paved the entirety of the common portions thereof. Thereafter, the individual portions of the driveway shall be paved for a minimum distance of 25 feet from the point of divergence of the common portion. There shall be located on either side of the point of divergence of common driveways permanent markers identifying the house numbers and clearly indicating the direction to each dwelling house served by said driveway in order to provide for emergency vehicle response.

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2. **Editor's Note: Said figure is included at the end of this chapter.**

D. All driveways having a grade of 8% or greater shall be paved from the point of intersection with the street line to a point 100 feet past the farthest portion thereof having a grade of 8% or greater.

E. At the point of intersection with the abutting road, the driveway shall provide an even surface with the traveled way or shoulder and shall not extend into the traveled way or shoulder in such a manner as to cause a sharp increase or decrease in elevation, thereby creating an uneven driving surface.

§ 219-18. Construction material.

For a minimum distance of 25 feet from the improved portion or shoulder of the public road, all driveways shall be constructed of the following material:

A. Driveways shall have a base course of four inches of dense graded aggregate and two inches bituminous concrete surface course.

B. Material to be used shall conform to the Township road ordinance[3] and be approved by the Construction Official.

§ 219-19. Stabilizing of certain slopes.

All banks exceeding six feet in height shall have crown vetch or some other stabilizing material planted. Side slopes shall not exceed 2:1.

§ 219-20. Sidelines of driveway to be marked.

The sidelines of the proposed driveway shall be identified by stakes placed 10 feet from the edge of the road and thence at twenty-five-foot intervals along the driveway.

ARTICLE VI
Review Procedures

§ 219-21. Review of application, action by Construction Official.

The Construction Official shall inspect the premises and review the application as to the proposed improvement, and if it is his/her determination that the proposed improvement complies with the standards of this chapter, then, in that event, (s)he shall issue a permit to the applicant. If the determination is that the proposed driveway does not comply with the terms of this chapter, then the applicant shall be notified of the denial of the application with the reasons for denial set forth.

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3. **Editor's Note: See Ch. 466, Streets and Sidewalks.**

§ 219-22. Review by Township Engineer.

If the Construction Official deems that the site has special problems such as, but not limited to, adequate pipe size, as set forth in § 219-16, or a safe and adequate site distance, as set forth in § 219-14, the Construction Official then may refer such application to the Township Engineer for review and comment at the expense of the property owner.

§ 219-23. Time for decision.

The Construction Official shall take action on all applications no later than 30 days after the date that the application is filed, unless this application has been referred to the Township Engineer. In that event, the Construction Official shall take action no later than 60 days after the date that the application is filed.

§ 219-24. Appeals.

Any person aggrieved by the decision or action of the Construction Official under this chapter may appeal that decision to the Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-70(b). Such appeal shall be made, in writing, and filed within 10 days from the date of such decision or action. This appeal will be heard in accordance with the rules and instructions of the Zoning Board of Adjustment and a decision rendered in accordance with the requirements of N.J.S.A. 40:55D-73.

§ 219-25. Exceptions.

A. Any applicant seeking issuance of a driveway permit pursuant to the foregoing provisions who is unable to comply with any of the design standards and/or construction improvements requirements applicable to driveways by virtue of the foregoing provisions may apply to the approving authority for an exception from such requirements, providing the applicant shall clearly demonstrate and the approving authority shall be satisfied that such exception is reasonable and within the general intent and purpose of the provisions of this article and that the literal enforcement of the provisions from which the exception is sought is impractical or will exact undue hardship because of peculiar conditions pertaining to the subject property and the driveway proposed to be located thereon.

B. Provided, however, that the approving authority shall not grant any such exception unless the approving authority is fully satisfied that the intent and purpose of the foregoing provisions will be satisfied by the granting of the exception and that the granting of the exception will have no adverse impact upon the public health and safety relating to the proposed driveway. All doubts or difficulties in the mind of the approving authority with respect to the advisability of granting such exception shall be resolved in favor of the denial of such exceptions.

C. Any driveway permit applicant who has been denied an exception sought pursuant to these provisions shall have the right of appeal of such denial to the Planning Board (unless the Zoning Board of Adjustment has administered an application for the property upon which the driveway is proposed to be located, in which case the Zoning Board of Adjustment shall hear such appeal), which shall hold a hearing thereon, attended by the

Township Engineer, or his representative, and shall render a determination within 45 days of the date of submission of such appeal.

D. Prior to the hearing of any such appeal by the Planning Board or the Zoning Board of Adjustment, whichever is applicable, the applicant shall post with the Secretary of the Planning Board or Zoning Board of Adjustment an appeal application fee and an escrow fee deposit as set forth in Article VIII of Chapter 45, Land Use Procedures.

§ 219-26. Certificate of occupancy.

No certificate of occupancy shall be issued for the use of any structure where inherent in the building permit application for such structure a driveway permit was required, unless such driveway has been fully constructed to the satisfaction of the Construction Official pursuant to the terms and conditions of this chapter except, when in the opinion of the Construction Official, such driveway cannot be completed due to weather conditions and the property owner has deposited with the Township Clerk a fee as set forth in Article VIII of Chapter 45, Land Use Procedures, to guarantee the construction of such driveway by no later than six months following the issuance of the certificate of occupancy or June 30 of the following year, at the discretion of the Construction Official.

ARTICLE VII
Violations

§ 219-27. Liability for damages.

Any person violating any provision of this chapter which results in damage to or obstruction of any public road, gutter, storm drain, ditch, basin, inlet or culvert shall be responsible for all expenses incurred by the Township in repairing such damage or removing the construction in addition to the penalty herein provided.

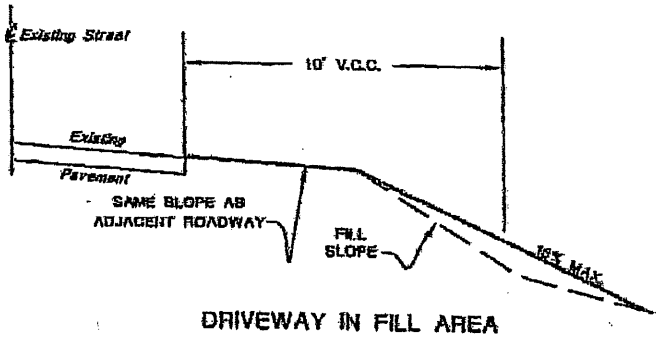
§ 219-28. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not to exceed $50. Each and every day that a violation continues after notification thereof shall constitute an additional, separate, and specific violation.

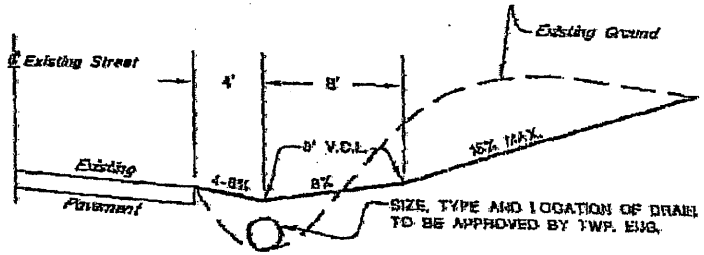
219 Attachment 1

Township of Fredon

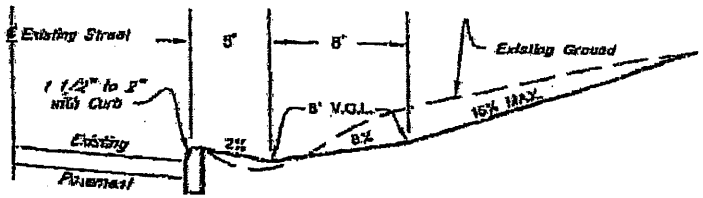
TYPICAL DRIVEWAY ENTRANCE AT ROAD AS PER FIGURE 1 OF THE TOWNSHIP DRIVEWAY ORDINANCE



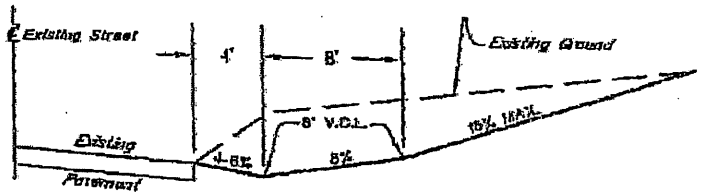
DRIVEWAY IN FILL AREA



DRIVEWAY IN CUT SECTION WITH OPEN DITCH ADJACENT TO ROADWAY



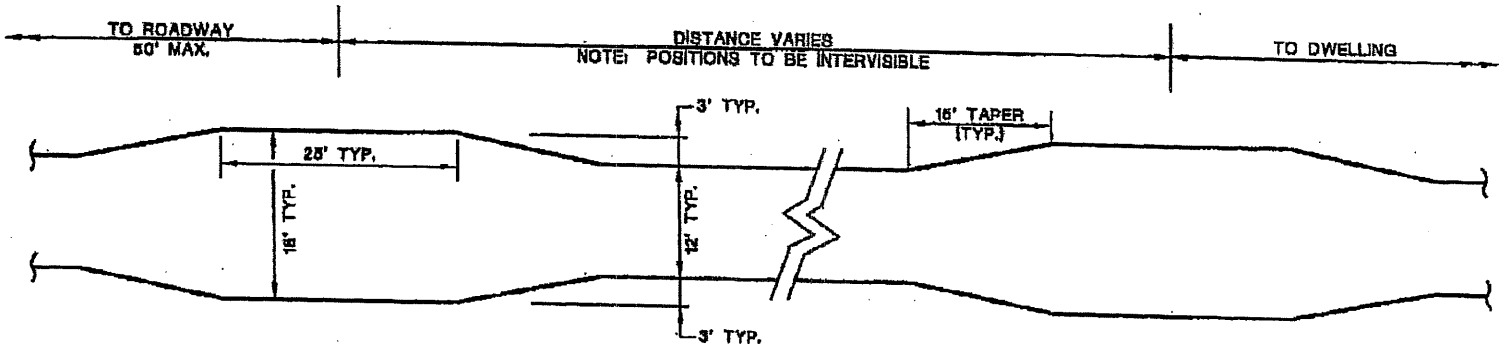
DRIVEWAY ADJACENT TO CURB



DRIVEWAY IN CUT SECTION WITH NO DITCH ADJACENT TO ROADWAY

219 Attachment 2

Township of Fredon



TYPICAL DRIVEWAY PASSING AREA

Chapter 234

ENTERTAINMENT, PUBLIC

§ 234-1. Special permit required.
§ 234-2. Application: provisions for granting special permits.
§ 234-3. Exceptions.
§ 234-4. Diagrammatic sketches.
§ 234-5. Rules and regulations governing licenses.
§ 234-6. Revocation or suspension of license.
§ 234-7. Service of notice.
§ 234-8. Violations and penalties.
§ 234-9. Concurrent remedy.
§ 234-10. Applicability of other laws.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 8-3-1970; amended in its entirety by Ord. No. 25-84 (Sec. 4-1 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

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§ 234-1. Special permit required.

A. No person, group of persons, partnership, association or corporation, or any combination thereof, shall maintain, conduct, promote or operate on any lands or premises within the Township of Fredon other than in established theaters, auditoriums or other places licensed or permitted for public occupancy as limited by law, any use thereof for the purposes of exhibitions or entertaining the general public, if a fee or admission is charged or voluntary contributions solicited, except pursuant to a special permit issued therefor by the Township as hereinafter provided.

B. No owner, lessee, licensee or other person, partnership, association or corporation having any right to or interest in any real property within the jurisdiction of the Township shall license, rent, lease or otherwise permit the use of such real property or any part thereof for exhibitions or entertaining the general public if a fee or admission is charged or voluntary contributions solicited other than in established theaters, auditoriums or other places licensed for public occupancy as limited by law, except pursuant to a special permit issued therefor by the Township Committee as hereinafter provided.

C. No person, group of persons, partnership, association or corporation, or any combination thereof shall conduct or promote, by advertising or otherwise, a gathering for public entertainment which will have eight hours of entertainment within a forty-eight-hour period, or any part thereof.

§ 234-2. Application: provisions for granting special permits.

A. The Township Committee may issue a special permit herein upon written application made by such person, partnership, association or corporation, or combination thereof, who proposes to maintain, conduct, promote or operate such public entertainment, together with the owner, lessor or licensor who proposes to rent, lease, license or otherwise permit such public entertainment, all hereinafter designated as "applicant."

B. The applicant shall file a verified application with the Township at least 30 days before the first day of advertising, and at least 90 days before the first day of the entertainment.

C. The applicant shall file with the Township Clerk a copy of the verified application filed by the applicant with the Mass Gathering Review Board pursuant to N.J.S.A. 5:11-1 et seq.,[1] the Mass Gathering Act and N.J.A.C. 8:10-1 et seq., promulgated by the N.J. Department of Health at least 30 days before the first day of advertising and at least 90 days before the first day of the public entertainment.

D. The application shall be signed by all persons having a financial interest in the event, and the property owners of the whole property upon which the proposed event is to take place.

E. The permit application shall include the following information:

(1) The applicant's full name, residence, telephone number and post office address, and whether such applicant is an individual, partnership, firm, corporation or a governmental unit or agency of the state or local government, all applicants shall submit a financial statement with their application.

(2) A diagramatic sketch plan drawn to scale of the proposed site of the public entertainment showing the locations and dimensions of the proposed service roads, potable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, distribution of security personnel, and provisions for food storage as well as camping facilities and projected plans for enclosure, if necessary, of the proposed site.

(3) The water supply and distribution system shall conform with the requirements outlined in Section 4, Chapter XI, Campgrounds, of the N.J. State Sanitary Code:

(a) A minimum of five gallons of water per person per day shall be provided.

(b) Water shall be obtained from a source or sources meeting standards of potability accepted by the State Department of Health and Environmental Protection.

(4) A statement for the purposes of the gathering and a program of the events scheduled.

(5) Written permission from the owner of the property on which the gathering is to take place. If the premises are not owned by the applicant, then the names of the lessor or licensor and a copy of the lease or license shall be attached.

(6) A statement of the number of persons expected to attend such event, the basis upon which such estimate is made, and the duration of such attendance.

(7) The specific details, including certified copies of contracts entered into or provisions relating to:

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1. **Editor's Note: N.J.S.A. 5:11-1 through 5:11-14 were repealed by L. 2007, c. 39, § 1, effective 1-29-2007.**

(a) Food and drink.

(b) Sanitary facilities.

(c) Transportation and parking facilities.

(d) Security and protection of surrounding area, including specific reference to the number of guards or special police assisting in the control of traffic and supervision of those attending. The contract should indicate the number of security guards in shifts to cover the event from a period of three days prior to the event until the area is cleaned and evacuated after the event.

(e) On-site medical facilities and hospital care.

(f) Janitorial services and post-gathering trash removal. A contract indicating the number of janitorial and cleanup personnel in shifts to cover the area prior to the event, during the event and until the area is evacuated.

(g) Outline of the action to be taken to ensure the cleanup and restoration of the area at which such event takes place within 48 hours after the close of the event.

(h) The plans for sound control and sound amplification, if any, including the number, location, and power of the amplifiers and speakers, together with applicant's proposal to confine the sound to the area of the assembly.

(8) A statement containing the names of the licensed ticket printers to be used and the plans for assuring the return of monies upon the termination or cancellation of the events as well as the means of notifying potential and existing ticket holders of such cancellation.

(9) Examples of proposed advertising of the event, if any.

(10) A certified copy of the bond or verified evidence or other suitable financial arrangements, as hereinafter required, must be attached to the application to include:

(a) Reimbursement to ticket purchasers in the event of termination or cancellation of the event or of the failure of the applicant to conduct the event as proposed or advertised.

(b) Cleanup and restoration of the area at which such event takes place within 48 hours after the close of the event.

(c) Said bond or other suitable financial arrangements shall be in accordance with the following formula: (Number of tickets) - admission fee for each ticket printed + $2 per printed ticket = minimum amount of bond or other security.

(11) A policy of insurance covering liability, personal property and bodily damage from such insurance companies authorized to do business in the state of New Jersey and in such amounts as to be fixed by the Township Committee.

(12) In addition to the insurance obligation provided for hereinabove, the Township Committee may require of the applicant, prior to the issuance of a permit, a cash deposit in an amount sufficient to ensure full payment of its permit fees, and/or to ensure prompt repair of physical damage and collection of refuse, if same is not adequately provided for by the applicant. Such a cash deposit may include sums sufficient to pay for special police officers and like personnel as may reasonably be required by the event and for which the Township will bill the applicant.

(13) The applicant shall reimburse the Township directly for all reasonable review and inspection fees of the municipal engineer, board attorney, planning consultant, other Township personnel and expert witnesses, for any such review and inspections of improvements. In addition, the applicant shall make an initial deposit with the Township Clerk, to be applied to the cost of these fees. The Board shall have the right to require additional deposits to be paid by the applicant, from time to time, in order to ensure that review and inspection fees are adequately provided. Should the balance of said fees not be paid, building permits and/or certificates of occupancy may be withheld by the applicable Township official.

F. Designated representatives of the Township Committee shall be permitted to inspect at any time the site of the event for the purpose of investigating the application and for the purpose of ensuring compliance with the provisions of this chapter.

G. Each application shall have attached thereto the written recommendations of the following with respect to the adequacy of the provisions proposed under the items set forth above:

(1) New Jersey State Police having jurisdiction of Fredon Township.

(2) Sussex County Sheriff's Department.

(3) Township Fire Chief.

(4) Township Board of Health.

(5) Township Sanitation Officer.

(6) Township Engineer.

(7) Code Enforcement Officer.

(8) Mass Gathering Review Board.

H. The applicant shall sign as part of the application the following indemnification agreement:

"The applicant hereby represents, stipulates, contracts and agrees that they do jointly and severally indemnify and hold harmless the Township of Fredon against all liability for any and all claims for damages to property or injury or death to persons arising out of or resulting from the issuance of the permit or the conduct of the public at or during the term of the event applied for."

I. The Township Committee, after public hearing thereon held within 60 days after submission of such application, held pursuant to the publication of a notice of hearing published at lease once in the official newspaper of the Township at least 10 days prior to such hearing, after considering the application and after causing due investigation and report on it, and after considering the facts and circumstances in the premises, and after giving due regard to the recommendations of those officials mentioned above, may issue a special permit upon such terms and conditions as it deems necessary and proper to ensure the public health, safety and welfare. If the Township Committee rejects the application, it shall set forth in writing the reasons for rejection.

J. The applicant, prior to the event, shall post a bond suitable to the Township Committee as to amount and surety, pursuant to Subsection E(10) above.

K. An application filing fee in the amount specified in § 245-2D of Chapter 245 of the Code of the Township of Fredon shall accompany each application.

L. The Township Committee shall have the absolute discretion to waive some or all of the application requirements.

§ 234-3. Exceptions.

This chapter shall not be applicable where:

A. There are to be less than 200 people attending such event and where such attendance does not exceed a period of more than four consecutive hours.

B. The event may be reasonably classified as a family picnic, outing or the like sponsored by a charitable or nonprofit corporation or organization.

C. The Township Committee may waive some or all of the application requirements where the magnitude of the proposed event does not require complete compliance in order to insure the safety and welfare of the public.

§ 234-4. Diagrammatic sketches.

Copies of the diagrammatic sketch plans shall be made available to the holders of tickets of this event. This sketch plan shall be made available at the ticket sales offices and at the site entrance of the event and shall be distributed to the people entering same.

§ 234-5. Rules and regulations governing licenses.

A. No licensee shall permit any exhibition, performance or gathering of persons for any unlawful purpose or any event to be conducted in any unlawful, disorderly, obscene or lewd manner.

B. No outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purposes of amusement shall allow any performer to perform or be displayed in the nude.

C. No outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purposes of amusement shall be allowed which depicts sexually suggestive acts or subjects offensive to public morals and decency.

D. No outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purposes of amusement shall allow the use of any moving pictures or other media which are obscene, lewd, indecent or offensive to public morals and decency.

E. No licensee shall permit any of his employees or agents or any spectators or other persons on the licensed premises during the period of time licensed to completely undress, become undressed, or go about in the nude or in a lewd, obscene or indecent manner.

F. The licensee shall allow the state police and any special police of the Township or any other persons duly authorized by the Township to inspect the licensed premises or any part thereof and the performances, exhibition and shows for public gathering at any time either prior to or during the period of time licensed, to inspect the premises and observe the persons upon the premises or to detect violations of this chapter or of any law of the federal government, the State of New Jersey or the Township.

G. The licensee shall take all proper means to assist in the orderly conduct and presentation of its events and to maintain a flow of traffic and use of the premises without congestion of traffic. For such purposes, the licensee shall employ or obtain sufficient personnel to carry out these objectives.

H. The licensee shall maintain at his own expense one or more persons responsible for the proper conduct of the licensed event who shall remain upon the licensed premises at all times during the effective license period. The name, address and description of any such person responsible shall be furnished to the Township before the beginning of the licensed period and in the event that any change is made, notice of such change with the names and addresses and descriptions of the persons to be substituted shall be furnished to the Township Clerk upon at least 24 hours' notice. The Mayor or other authorized officer or agent of the Township for such purpose may require the licensee to introduce any person responsible for the conduct of the event to the Mayor or such other authorized officer or agent as the Township may designate to the licensee.

§ 234-6. Revocation or suspension of license.

A. If any provision of this chapter is violated, the Township Committee, through its authorized officers or agents, may suspend or revoke a license issued hereunder. Such suspension or revocation shall be determined as follows:

(1) The Mayor or other person authorized by the Township Committee shall cause a written notice of the alleged violation of this chapter or of any others laws involved to be served upon the licensee or any of his agents upon the premises together with a notice of the time and place of hearing to be held, not less than 12 hours after service, directing the licensee to show cause before the Township Committee why the license should not be suspended or revoked.

(2) At the hearing, the Township Committee shall hear all the evidence offered by the Township and the licensee which is relevant to the issue and shall make a prompt determination of its findings. If the findings are in favor of the licensee, the charges shall be dismissed, but if the findings are against the licensee, the license may be revoked entirely or suspended upon such conditions as the Township Committee may direct. In the event of full revocation, the licensed event shall be terminated immediately and no further outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purposes of amusement shall be held under the license granted therefor and any persons remaining upon the licensed premises may be dispersed immediately by any peace officer of the Township or by such other persons as may be properly authorized by the Township.

B. A permit may be revoked by the Township Committee upon 12 hours' notice to the applicant where it appears that:

(1) The application is materially false or purposely misleading.

(2) The number of persons attending the assembly is unexpectedly greater by 50% than the number initially projected and the applicant is unable to deposit sufficient moneys to insure adequate police protection, or is unable by reason of such increase, to provide proportionally greater sanitary, water, food and other health facilities.

(3) New or substantially changed conditions have arisen so as to imperil or materially endanger the public health, morals, safety or welfare.

C. Notwithstanding the above, a permit may be revoked at any time after 24 hours prior to the event, and any time during the event, where it appears that the public health, morals, safety, or welfare are being endangered, where it appears that numerous acts of criminality, disorderly conduct, juvenile delinquency, violations of the Controlled Dangerous Substances Act of the State of New Jersey[2] are occurring, or where nuisances substantially impairing the comfort or welfare of the Township are occurring.

(1) Where such circumstances appear, a permit shall be revoked in the following manner:

(a) By a majority of a quorum of the Township Committee.

(b) If a quorum of the Township Committee cannot be reasonably be convened or contacted by telephone, then by the Mayor.

(c) In the absence of the Mayor, by his designee appointed for this purpose.

(2) In the event of revocation under this section, the permit fee and the cash deposit, to the extent the latter is billed, used or required, shall not be returned to the applicant.

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2. **Editor's Note: See N.J.S.A. 24:21-1 et seq.**

D. No license fee or portion thereof shall be refunded following revocation or suspension of any license.

§ 234-7. Service of notice.

Whenever notice is required to be given to the applicant or licensee, service thereof may be made by registered or certified mail directed to the person and address listed in the application or otherwise personally upon the applicant or any of the agents of the applicant upon the licensed premises.

§ 234-8. Violations and penalties. [Amended by Ord. No. 99-06]

Any person, group of persons, partnership, association, corporation, individually, collectively, who shall violate or take aid in, take part in or assist in the violation of this chapter shall be liable for penalties in accord with the schedule shown in § 1-3. Each and every day that such violation occurs or continues to exist shall be considered a separate and specific violation.

§ 234-9. Concurrent remedy.

Nothing contained herein shall be deemed or construed so as to prevent the enforcement of any other remedy at law concurrent or otherwise, available to the Township or other law enforcement authority to avoid or prevent any violation of this law, such as, but not limited to, an injunction or restraining order.

§ 234-10. Applicability of other laws.

This act is in addition to any law, ordinance or regulation affecting the subject matter herein and is not in limitation thereof.

Chapter 245

FEES

§ 245-1. Title. § 245-2. Fee schedule.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 6-5-1972 (Ch. XIV of the 1972 Revised General Ordinances). Amendments noted where applicable.]

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§ 245-1. Title.

This chapter shall be known as the "Codification of Fees and Costs of the Township of Fredon."

§ 245-2. Fee schedule.

Except as specified elsewhere in this Code, fees charged by the Township for services rendered or for licenses or permits issued shall be as follows. All license fees shall be annual unless otherwise noted.

A. Board of Health. **[Amended 6-27-1972; 4-1-1974; Ord. No. BH:1-77; Ord. No. 4-79; Ord. No. 3-84; Ord. No. 16-91; Ord. No. 18-91; Ord. No. 7-92; Ord. No. 97-06]**

	Fee	Code Reference
Food Service Manager		
For filing an application, providing a certification course and administering an examination, two-year license	$15	§ 276-5G
Individual sewage disposal		
For filing an application and plans for a permit to locate and construct an individual sewerage disposal system	$120	§ 412-6
For each reinspection of an individual sewerage disposal system, or part thereof, caused by failure of permittee to locate and construct or alter same in accordance with terms of the permit issued or terms of the Code	$20	
For issuance or renewal of a license to a person or corporation engaged in the business of cleaning or emptying receptacles for reception and storage of human excrement or other putrescible matter, each vehicle or conveyance	$20	

	Fee	Code Reference
For filing an application for the observation, inspection and recording of a soil log	$25 per test hole (maximum $100)	
Individual or semipublic water supply		
Permit to locate and construct a water supply	$120	§ 531-4F
Permit to alter an existing water system and inspection	$50	
Each reinspection	$25	
Retail food establishment		
Itinerant food establishment, approval of existing permit or license	$30	
Permit for operation	$50	§ 276-4B

B. Dogs.[1] **[Added by Ord. No. 18-86; amended by Ord. No. 97-03; Ord. No. 2007-05]**

	Fee	Code Reference
License fees:		
Neuter/altered	$11	§ 126-19A
Non-neutered/unaltered	$14	§ 129-19A
Delinquent fee, each month	$5	§ 159-19B
Kennel license fee:		
Under 10 dogs	$10	§ 126-28E
Over 10 dogs	$25	§ 126-28E
Pet shop license fee	$10	§ 126-28E
Impound and disposal fee, plus costs	$25	§ 126-23D
Potentially dangerous dogs	$500	

C. Land subdivision. **[Added by Ord. No. 9-79; amended by Ord. No. 5-87; Ord. No. 98-08; Ord. No. 98-15; Ord. No. 2003-08; 11-22-2010 by Ord. No. 2010-12]**

	Fee	Code Reference
Minor subdivision		9-7.a.
Application fee	$175	

1. **Editor's Note: Former Subsection B, Construction code fees, as added by Ord. No. 6-88 and amended by Ord. No. 2004-15 and 2005-04, and 4-23-2009 by Ord. No. 2009-04, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III). Ord. No. 2011-08, adopted 7-14-2011, relinquished jurisdiction of the administration and enforcement of the Uniform Construction Code and transferred jurisdiction for the administration and enforcement of the Uniform Construction Code to the Department of Community Affairs of the State of New Jersey (see Ch. 200).**

	Fee	Code Reference
Professional review escrow	$1,500	
Major subdivision		§ 470-7B
Application fee:		
Preliminary plat:		
4 to 10 lots	$750 + $25 per lot	
11 to 50 lots	$1,500 + $25 per lot	
51 to 250 lots	$2,000 + $25 per lot	
Over 250 lots	$2,500 + $25 per lot	
Final plat	$250 + $25 per lot	
Professional review escrow:		
Preliminary plat:		
4 to 10 lots	$1,000 + $250 per lot	
11 to 50 lots	$1,000 + $225 per lot	
51 to 250 lots	$1,000 + $200 per lot	
Over 250 lots	$1,000 + $175 per lot	
Final plat	$250 + $50 per lot	
Engineering inspection fees		§ 470-7C
Approved subdivisions (except in extraordinary circumstances)	$500 or 5% of estimated cost of improvements (as determined by the Township Engineer), whichever is greater	

D. Licenses.[2] **[Added 4-1-1974]**

	Fee	Code Reference
Plumbers		

2. **Editor's Note: Former Subsection D, Construction code fees, as added by Ord. No. 6-88 and amended by Ord. No. 2004-15 and 2005-04, and 4-23-2009 by Ord. No. 2009-04, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III). Ord. No. 2011-08, adopted 7-14-2011, relinquished jurisdiction of the administration and enforcement of the Uniform Construction Code and transferred jurisdiction for the administration and enforcement of the Uniform Construction Code to the Department of Community Affairs of the State of New Jersey (see Ch. 200).**

	Fee	Code Reference
For the examination of any applicant for license as master plumber	$50	
For the issuance and annual renewal of a license as master plumber	$15	
Permits for entertainment and exhibitions		
For filing the application	$100	
License fee for each 100 persons or portion thereof		
Trailer camps		
License fee annually on July 1 of each year	$200	
Service and inspection charge for each trailer camp site, per day	$1	
Junkyards		
Annual license fee	$500	

E. Permits. **[Added by Ord. No. 7-78; amended by Ord. No. 5-87; 11-22-2010 by Ord. No. 2010-12]**

	Fee	Code Reference
Soil disturbance		§ 441-5A
Application fee	$500 + $0.05 per cubic yard (based upon volume of material moved).	
Professional review escrow	$2,500	
Driveways		§ 219-7
Application fee:		
Residential (without engineering review)	$15	
Residential (with engineering review)	$50	
All other driveways	$50	
Professional review escrow:		
Residential (without engineering review)	N/A	
Residential (with engineering review)	$300	
All other driveways	$500	
Street openings		
Application fee:		
0 to 50 square feet	$50	

	Fee	Code Reference
51 to 300 square feet	$300	
Over 300 square feet	$500	
Professional review escrow:		
0 to 50 square feet	$750 per day*	
51 to 300 square feet	$750 per day*	
Over 300 square feet	$750 per day*	
Land disturbance/construction permit		§ 550-16E
Application fee	$100	

* The contractor shall provide an estimate of the number of days to complete the work. Time may be broken down into 1/2 day increments.

F. Site plan review. **[Added by Ord. No. 8-78; amended by Ord. No. 5-87; Ord. No. 8-91; Ord. No. 2002-12; 11-22-2010 by Ord. No. 2010-12]**

	Fee	Code Reference
Application fees		§ 424-9A
Minor site plan	$300	
Preliminary site plan		
Residential:		
1 to 10 dwelling units	$750 + $25 per unit	
11 to 50 dwelling units	$1,500 + $25 per unit	
51 to 250 dwelling units	$2,000 + $25 per unit	
Over 250 dwelling units	$2,500 + $25 per unit	
Nonresidential:		
0 to 10,000 square feet building area	$1,500 + $25 per 1,000 square feet	
10,001 to 50,000 square feet building area	$2,000 + $25 per 1,000 square feet	
Over 50,000 square feet building area	$2,500 + $25 per 1,000 square feet	
Wireless communication		
Towers and antennas:		
With new tower	$2,000	
Without new tower	$1,000	

	Fee	Code Reference
Final site plan		
Residential	$500	
Nonresidential	$750	
Professional review escrow		§ 424-9B
Minor site plan	$1,500	
Preliminary site plan		
Residential:		
1 to 10 dwelling units	$1,000 + $250 per unit	
11 to 50 dwelling units	$1,000 + $225 per unit	
51 to 250 dwelling units	$1,000 + $200 per unit	
Over 250 dwelling units	$1,000 + $175 per unit	
Nonresidential:		
0 to 10,000 square feet building area	$4,000 + $200 per 1,000 square feet	
10,001 to 50,000 square feet building area	$4,000 + $175 per 1,000 square feet	
Over 50,000 square feet building area	$4,000 + $150 per 1,000 square feet	
Wireless communication		
Towers and antennas:		
With new tower	$5,000	
Without new tower	$2,500	
Final site plan		
Residential	$250 + $50 per unit	
Nonresidential	$250 + $50 per 1,000 square feet	
Engineering inspection fees		§ 424-9C
Approved site plans (except in extraordinary circumstances)	$500 or 5% of estimated cost of improvements (as determined by the Township Engineer), whichever is greater.	

G. Zoning fees. **[Added by Ord. No. 1-79; amended by Ord. No. 5-82; Ord. No. 11-84; Ord. No. 14-84; Ord. No. 5-87; Ord. No. 13-88; Ord. No. 8-93; Ord. No. 2002-12;**

Ord. No. 2003-09; Ord. No. 2004-04; Ord. No. 2004-17; Ord. No. 2005-02; 11-22-2010 by Ord. No. 2010-12]

(1) No petition, application or other documents submitted by an applicant pursuant to the terms of this chapter shall be considered by the Board of Adjustment or Planning Board, as the case may be, until the applicant shall have paid to the Township of Fredon, in cash whichever of the following fees is appropriate:

	Application Fee	**Professional Escrow Fee**
Planning variances (N.J.S.A. 40:55D-34,35 and 36)	$500	$1,500
Conditional uses (N.J.S.A. 40:55D-67)	$350	$1,000
Appeals to the Board of Adjustment [N.J.S.A. 40:55D-70(a)]	$400	$1,000
Interpretation by the Board of Adjustment [N.J.S.A. 40:55D-70(b)]	$400	$1,000
Bulk variances [N.J.S.A. 40:55D-70(c)]*	$350	$500
Use variance [N.J.S.A. 40:55D-70(d)]	$500	$1,500

* Where more than one bulk variance is requested, the above stated fee shall include all variances.

(2) Where subdivision or site plan review or both are required, the above stated fees shall be in addition to those fees required for subdivision or site plan review.

(3) Applications for zoning clearance permits.

	Use Fee	**Late Filing Fee**
Additions, alterations and accessory structures:		
Farm and residential		
Up to $5,000	$10	$10
Up to $20,000	$20	$15
Over $20,000	$30	$20
New home	$50	$25
Home occupation	$25	$20
Commercial minor alterations, signs and accessory structures		

	Use Fee	Late Filing Fee
Up to $10,000	$25	$20
Up to $100,000	$50	$30
Over $100,000	$75	$50

H. Clerks. **[Added by Ord. No. 20-85; amended by Ord. No. 12-93; Ord. No. 95-3; Ord. No. 97-02; Ord. No. 2003-13; Ord. No. 2007-04; Ord. No. 2008-12; 8-13-2009 by Ord. No. 2009-07; 9-9-2010 by Ord. No. 2010-11; 7-28-2011 by Ord. No. 2011-10; 6-9-2016 by Ord. No. 2016-05]**

	Fee	Code Reference
Certified copy of vital statistics record (birth, marriage, death)		
For the first copy	$10	
For each additional certified copy	$5	
Copies of public records made and supplied by custodian of such record including use of copies		
Per letter size page or smaller	$0.05	
Per legal size page or larger	$0.07	
Land use ordinance book	$50	
Master Plan on CD	$0.40	
Housing plan element	$20	
Flood certification letter	$10	
Property maintenance code letter	$10	
Forty-eight-hour notice for Committee meetings, retainer fee	$200	
Notification fee certification mail return receipt	$20	
Copies of audio recording of Township meetings	$0.40	
Peddling and soliciting registration	There shall be a fee of $100 to cover the cost of processing the application and investigating the facts stated therein.	

I. Miscellaneous land use fees and deposits. **[Added by Ord. No. 5-87; amended 11-22-2010 by Ord. No. 2010-12]**

	Fee	Code Reference
Concept plan review		§§ 470-16C, 242-11C

	Fee	Code Reference
Application fee:		
Small scale development less than 10 acres	$100	

	Fee	Code Reference
Large scale development over 10 acres	$500	
Professional review escrow:		
Small scale development less than 10 acres	$300	
Large scale development over 10 acres	$1,000	
Application for rezoning		§ 45-62F
Application fee	$750	
Professional review escrow	$3,000	
Special meeting of the Planning Board, Board of Adjustment or meeting with professionals		§ 45-62F
Application fee	$250	
Professional review escrow	$1,500	
General development plan		§ 45-62F
Application fee	$3,000	
Professional review escrow	$15,000	
Critical geologic areas		§ 45-62F
Application fee:		
Phase I submittal	$500	
Phase II submittal	$500	
Professional review escrow:		
Phase I submittal	$1,500 + $20 per acre in CAD	
Phase II submittal	$5,000 + $100 per acre in CAD	
Environmental impact statement		§ 45-62F
Application fee:		
Residential	No separate fee required.	
Nonresidential	No separate fee required.	
Professional review escrow:		
Residential	$1,000 + $100 per unit	
Nonresidential	$1,000 + $250 per acre	

J. Alcoholic beverage control licenses. The fee for licenses for sale and distribution of alcoholic beverages in the Township shall be as follows:[3] **[Added by Ord. No. 2003-01]**

Plenary Retail Consumption License

Year	Fee
2003	$480
2004	$576
2005	$691
2006	$829
2007	$994
2008	$1,192
2009	$1,430
2010	$1,716
2011 and thereafter	$2,000

Plenary Retail Distribution License

Year	Fee
2003	$750
2004	$900
2005	$1,080
2006	$1,296
2007	$1,555
2008	$1,866
2009 and thereafter	$2,000

K. Schedule of fees for recreation uses. **[Added by Ord. No. 2007-08; amended by Ord. No. 2008-01; 2008-02]**

(1) Lodestar Park.

(a) Nonprofit groups: no charge (freewill donations accepted).

(b) For-profit groups:

[1] Kitchen and pavilion: $100 per day (five hours); $20 each additional hour.

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3. **Editor's Note: Former Subsection L, Uniform firesafety code, as added by Ord. No. 12-89, which immediately preceded this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III). Ord. No. 2011-08, adopted 7-14-2011, relinquished jurisdiction of the administration and enforcement of the Uniform Construction Code and transferred jurisdiction for the administration and enforcement of the Uniform Construction Code to the Department of Community Affairs of the State of New Jersey (see Ch. 200).**

[2] Field use: $50 for four hours; $10 each additional hour.

(c) Residents:

[1] Kitchen and pavilion: $75 per day (five hours); $15 each additional hour.

[2] Field use: $25 for four hours; $5 each additional hour.

(d) Nonresidents:

[1] Kitchen and pavilion: $150 per day (five hours); $30 each additional hour.

[2] Field use: $50 for four hours; $150 refundable deposit.

(2) Civic Center. **[Amended 6-10-2010 by Ord. No. 2010-05]**

(a) The hourly rate for use of the Civic Center for Recreation League sports activities shall be $15.

(b) The fee for use of the Civic Center for all non-Recreation League sports activities other than men's basketball shall be calculated by multiplying the hourly rate by the total number of hours the group anticipates using the Center, which shall produce the gross cost of facility use. The gross cost shall be multiplied by the percentage of the group that is not residents of Fredon, which result shall be the fee to be charged to the group. **[Amended 8-26-2010 by Ord. No. 2010-07]**

(c) Fees for the men's basketball league sponsored by the Recreation Commission shall be $2 per session for each nonresident of Fredon.

(d) For non-Recreation League activities, use of the Civic Center shall be charged at the following hourly rates, with a minimum charge of three hours per event:

[1] Fredon nonprofit groups: $25 per hour;

[2] Nonprofit groups that are not Fredon-based: $75 per hour;

[3] For-profit groups: $125 per hour;

[4] Fredon residents: $75 per hour.[4]

(e) The fee for use of the Civic Center shall be paid one week prior to the commencement of the period requested based on scheduled time, not actual time used. If the Civic Center is closed by the Township for any reason, thereby canceling a paid event, a credit will be issued to the user for future use. There will be no refunds for time scheduled but not used.

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4. **Editor's Note: Original Subsection v, which immediately followed this subsection, was repealed 8-26-2010 by Ord. No. 2010-07.**

L. Fees for performance of marriage/civil union ceremonies. The Mayor is authorized pursuant to N.J.S.A. 37:1-13 to solemnize a marriage or civil union between persons as may lawfully enter into such relationship. There shall be a fee of $250 payable to the Township for each such ceremony to be performed by the Mayor or Deputy Mayor for nonresidents or out-of-Township ceremonies. There shall be a fee of $100 payable to the Township for each such ceremony to be performed by the Mayor or Deputy Mayor for Fredon Township residents who enter into a marriage or civil union within the geographic boundaries of Fredon Township. **[Added 8-26-2010 by Ord. No. 2010-09; amended 7-11-2013 by Ord. No. 2013-04]**

Chapter 257

FIRE INSURANCE CLAIMS

§ 257-1. Payment of fire insurance claims restricted.

§ 257-2. Agreement with owner; restoration of property.

§ 257-3. Mortgagee as named insured.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 12-80 (Sec. 2-7 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 262.

§ 257-1. Payment of fire insurance claims restricted.

No insurance company authorized to issue fire insurance policies in the State of New Jersey shall pay to a claimant any claim in excess of $2,500 for fire damages on any real property located within the Township, pursuant to any fire insurance policy issued or renewed after the adoption of this section and the filing of this chapter with the State Commissioner of Insurance, until such time as:

A. All taxes and assessments and all other municipal liens or charges due and payable appearing on the official certificate of search for municipal liens, pursuant to N.J.S.A. 54:5-12 shall have been paid either by the owner of such real property or by the insurance company, or

B. The Township submits to the insurance company a copy of a resolution adopted, pursuant to § 257-2, provided that if an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property, pursuant to N.J.S.A. 54:3-21, the insurance company shall withhold 75% of the full amount of the lien or charge being contested pending termination of all proceedings.

§ 257-2. Agreement with owner; restoration of property.

A. The Township Committee may, by resolution, enter into an agreement with the owner of any fire-damaged property situated in the Township to pay in full all delinquent taxes, assessments or other municipal liens by installments, pursuant to N.J.S.A. 54:5-19 or for the redemption of a tax sale lien by installment payments, pursuant to N.J.S.A. 54:5-7, if the Township Committee is satisfied that the claim for fire damages is to be used to restore or improve the fire-damaged property.

B. In the event of such resolution, a certified copy of the resolution shall be sent to the insurance company authorizing the insurance company to make full payment on the claim to the insured.

§ 257-3. Mortgagee as named insured.

Notwithstanding the provisions of § 257-1, an insurance company may pay proceeds of a fire insurance policy to a mortgagee of fire-damaged real property where the fire insurance policy, at the time of the loss, listed the mortgagee as a named insured; provided the payment may not be in an amount which exceeds that due and payable to the mortgagee under the mortgage contract.

Chapter 262

FIRE PREVENTION

§ 262-1. Local enforcement.
§ 262-2. Agency designation.
§ 262-3. Duties.
§ 262-4. Organization of local enforcing agency.
§ 262-5. Life hazard uses.
§ 262-6. Non-life hazard uses.
§ 262-7. Permits.
§ 262-8. Board of Appeals.
§ 262-9. Enforcement; violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 14-85 (Sec. 7-7 of the 1972 Revised General Ordinances); amended in its entirety 6-23-2011 by Ord. No. 2011-07. Amendments noted where applicable.]

GENERAL REFERENCES

Volunteer fire company and first responders — See Ch. 85.
Uniform construction codes — See Ch. 200.
Fire insurance claims — See Ch. 257.

§ 262-1. Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Township of Fredon.

§ 262-2. Agency designation.

The local enforcing agency shall be the Office of the Fire Marshal for the County of Sussex.

§ 262-3. Duties.

A. Within the established boundaries of the Township of Fredon, the local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises other than owner-occupied buildings of less than three dwelling units used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by interstate agencies or the state.

B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 262-4. Organization of local enforcing agency.

A. The Office of the County Marshal referenced in § 262-2 shall be as created and supervised by the County of Sussex and shall meet all of the requirements of the applicable law and regulations.

B. Appointment of Fire Marshal. The Fire Marshal of the Office of the Fire Marshal of the County of Sussex shall be a state-certified fire official appointed by the Freeholders of the County of Sussex consistent with the procedures set forth in the applicable law and regulations. The Sussex County Freeholders may appoint inspectors and other employees of the enforcing agency consistent with the applicable laws and regulations. All life-hazard use inspectors shall be certified by the state.

§ 262-5. Life hazard uses.

The Office of the Fire Marshal of the County of Sussex referenced in§ 262-2 shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 262-6. Non-life hazard uses.

A. In addition to the registrations and permits required by the Uniform Fire Code, all other uses subject to Uniform Fire Code inspections shall register with the Office of Fire Marshal, County of Sussex. These uses shall be inspected once per year and shall pay an annual fee as set forth by the County of Sussex, which schedule(s) of fees are adopted by reference for application within the Township of Fredon. **[Amended 7-28-2011 by Ord. No. 2011-09]**

B. Uses requiring registration with the state as life hazard uses shall not be required to register or pay fees pursuant to this section.

C. Vacant buildings that create a fire hazard shall be charged and inspected according to the applicable schedule of fees.

D. Owners of more than one use at a given location shall pay a full fee for the largest use and 1/2 fee or fees for any other use or uses.

§ 262-7. Permits.

The application fees for the permits listed in N.J.A.C. 5:70-2.7 shall be specified in the Uniform Fire Code.

§ 262-8. Board of Appeals.

Pursuant to N.J.S.A. 52:27D-206b and 208d, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Uniform Construction Code Board of Appeals of the County of Sussex.

§ 262-9. Enforcement; violations and penalties.

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

Chapter 270

FLOOD CONTROL

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§ 270-1. Statutory authorization.
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§ 270-16. General standards.
§ 270-17. Specific standards.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 6-23-2011 by Ord. No. 2011-06. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 200.
Soil erosion and sediment control — See Ch. 441.
Soil removal — See Ch. 446.
Stormwater control — See Ch. 457.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

ARTICLE I
Authorization; Findings; Purpose

§ 270-1. 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 Fredon, State of New Jersey, does ordain the following.

§ 270-2. Findings of fact.

A. The flood hazard areas of Township of Fredon 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.

B. 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.

§ 270-3. Statement of purpose.

It is the purpose of this chapter 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:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To 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;

F. To 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;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 270-4. Methods of reducing flood losses.

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

A. 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;

B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

ARTICLE II
Terminology

§ 270-5. Definitions.

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

APPEAL — A request for a review of the Construction Official's interpretation of any provision of this chapter 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. A nonbasement building:

(1) 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

(2) Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood.

B. 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 floodwaters.

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.

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

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

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.

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, usable 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 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:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the longest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION —

A. 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.

B. 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% 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% 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:

A. 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

B. 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 chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

ARTICLE III
General Provisions

§ 270-6. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Township of Fredon, Sussex County, New Jersey.

§ 270-7. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Township of Fredon, Community No. 340558, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) A scientific and engineering report "Flood Insurance Study, Sussex County, New Jersey (All Jurisdictions)" dated September 29, 2011.

(2) Flood Insurance Rate Map for Sussex County, New Jersey (All Jurisdictions) as shown on index and panels 34037C0270E, 34037C0283E, 34037C0284E, 34037C0287E, 34037C0290E, 34037C0291E, 34037C0292E, 34037C0293E, 34037C0294E, 34037C0380E, whose effective date is September 29, 2011.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at 443 Route 94, Newton, New Jersey.

§ 270-8. Violations and penalties.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $2,500 and, for a third or subsequent offense, imprisoned for not more than 90 days, for each violation, and in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Fredon from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 270-9. Abrogation and greater restrictions.

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

§ 270-10. Interpretation.

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

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 270-11. Warning and disclaimer of liability.

A. The degree of flood protection required by this chapter 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 chapter 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.

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

ARTICLE IV
Administration

§ 270-12. Establishment of development permit.

A. 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 § 270-7. Application for a development permit shall be made on forms furnished by the Construction Official 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.

B. 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 § 270-17B; and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 270-13. Designation of local administrator.

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

§ 270-14. Duties and responsibilities of administrator.

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

A. Permit review.

(1) Review all development permits to determine that the permit requirements of this chapter 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.

B. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with § 270-7, Basis for establishing areas of special flood hazard, the Construction Official 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 § 270-17A, Specific standards, residential construction, and § 270-17B, Specific standards, nonresidential construction.

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:

(a) Verify and record the actual elevation (in relation to mean sea level); and

(b) Maintain the floodproofing certifications required in § 270-12B(3).

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

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.

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 § 270-15.

§ 270-15. Variance procedure.

A. Appeal Board.

(1) The Township Planning Board shall hear and decide appeals and requests for variances from the requirements of this chapter.

(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 Construction Official in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey as provided by law.

(4) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) 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 Subsection A(4) and the purposes of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(6) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsection A(4)(i) through (k) has been fully considered. As the lot size increases beyond the 1/2 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:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) 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 Subsection A(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.

ARTICLE V
Flood Hazard Reduction

§ 270-16. General standards.

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

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.

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.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

(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.

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 50 lots or five acres (whichever is less).

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 openings having a total net area of not less than one 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 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.

§ 270-17. Specific standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 270-7, Basis for establishing areas of special flood hazard, or in § 270-14B, Use of other base flood data, the following standards are required:

A. Residential construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation;

(2) Require 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

(3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

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) Elevation.

(a) Elevated to the level of the base flood elevation; and

(b) 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

(2) Floodproofing.

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) 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 § 270-14C(2)(b).

C. Manufactured homes.

(1) Manufactured homes shall be anchored in accordance with § 270-16A(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.

Chapter 276

FOOD ESTABLISHMENTS

§ 276-1. Adoption of code.
§ 276-2. Public record.
§ 276-3. Definitions.
§ 276-4. Permit.
§ 276-5. Food service manager.

[HISTORY: Adopted by the Board of Health of the Township of Fredon 3-2-1970 (Ch. BH-II of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 245.

§ 276-1. Adoption of code.

A. A code regulating retail food handling establishments, providing for the inspection of such establishments, and fixing penalties for violations is hereby adopted. A copy of the code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

B. The Code established and adopted by this chapter is described and commonly known as the "Retail Food Establishment Code of New Jersey - 1965."

§ 276-2. Public record.

Three copies of the "Retail Food Establishment Code of New Jersey - 1965" have been placed on file in the office of the secretary of the Board of Health of the Township and will remain on file for the use and examination of the public.

§ 276-3. Definitions. [Amended by Ord. No. BH:1-77]

As used in this chapter, the following terms shall have the meanings indicated:

FOOD ESTABLISHMENT OPERATOR — The individual proprietor, partners, or the corporation, firm or organization representative directly responsible for the overall management of a retail food establishment.

FOOD HANDLER — Any person in a retail food establishment who routinely comes into contact with food, beverages, utensils, or food equipment.

FOOD SERVICE MANAGER — Any person responsible for the immediate supervision of food handlers and other workers involved in the sanitary maintenance of a retail food establishment. In an establishment having no employees, the food establishment operator is considered to be the food service manager.

RETAIL FOOD ESTABLISHMENT — A retail food establishment, mobile food establishment, or agricultural market as defined in Chapter 12 of the New Jersey State Sanitary Code.

§ 276-4. Permit.

A. Permit required. No person shall operate a retail food-handling establishment unless a permit shall have been issued by the Township Board of Health. Such permit shall be posted in a conspicuous place in such establishment.

B. Fee. The permit fee shall be as set forth in § 245-2A. **[Amended 4-1-1974]**

C. Expiration. Permits issued under the provisions of this chapter shall expire annually on December 31 and application for renewal thereof shall be submitted, together with the required fee, prior to December 10 of each year.

D. Itinerant establishments. A person conducting an itinerant retail food handling establishment shall secure a permit, or if such person is the holder of a certificate, permit, or license issued by a Board of Health of another jurisdiction, such certificate, permit or license may be approved by the Township Board of Health, and there shall be a fee as set forth in § 245-2A for such approval. **[Amended 4-1-1974]**

E. Revocation or suspension. A permit or approval of certificate, permit or license, may be suspended or revoked for violation by the holder of any provision of this chapter, or the Code hereby adopted, after an opportunity for hearing by the Board of Health or its authorized representatives.

F. Transferability. A permit is not transferable nor is an approval transferable of a certificate, permit or license issued by another Board of Health. **[Amended 4-1-1974]**

G. Hearing. A permit issued under the terms and provisions of this chapter shall not be revoked, canceled or suspended until a hearing thereon shall have been held by the Board of Health. Written notice of the time and place of such a hearing shall be served upon the permittee at least three days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling, or suspending such permit. Notice may be given either by personal delivery thereof to the person to be notified, or deposited in the United States Postal Service in a sealed envelope postage prepaid addressed to such person to be notified at the business address appearing upon the permit at least five days prior to the date set for the hearing. At the hearing before the Board of Health, the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Board of Health, the complaint may be dismissed or if the Board concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the permit held by the permittee.

H. Enforcement. The provisions of this chapter shall be enforced by the Sussex County Health Department. **[Added by Ord. No. BH:1-82; amended by Ord. No. 99-06]**

§ 276-5. Food service manager. [Added by Ord. No. BH:1-77]

A. Certified food service manager required for operation of establishment.

(1) A certified food service manager shall be present in a retail food establishment during all hours of operation.

(2) A retail food establishment license shall not be considered valid unless the establishment staff includes a certified food service manager.

B. Responsibilities for food handler training.

(1) The certified food service manager shall train food handlers in the basics of food sanitation. The food establishment operator shall be responsible for seeing that organized training activities are conducted.

(2) The Health Department will be available to assist the food service manager and operator in developing an effective food handler training program.

C. Exemptions. The following types of retail food establishments are specifically exempt from the requirements of this section:

(1) Agricultural markets.

(2) Retail food establishments whose only products are factory-sealed or prepackaged food products that do not require refrigeration.

(3) Any other simple retail food operation which, in the judgment of the Board of Health, would not reasonably necessitate a resident certified food service manager.

D. Application for certification. A food service manager seeking certification shall make application to the Board of Health or its authorized agent within 30 days following the effective date of this chapter. A food service manager beginning work after this date shall make application at least 30 days prior to assuming such duties. Where 30 days' advance notice is not possible, application shall be made as soon as the applicant knows that he or she is to be a food service manager.

E. Certification requirements. An applicant shall be registered as a "certified food service manager" upon successful completion of the following:

(1) Attendance at a course on the principles of food sanitation. Courses shall be approved by the Board of Health.

(2) Passing a written examination on the subject matter presented in the course. The examination shall be administered by an agency approved by the Board of Health.

(3) Waiver of course. An applicant for certification renewal may request that the course be waived. If such waiver is granted, certification shall be renewed upon the applicant's successful performance in the written examination.

F. Certification regulations.

(1) Term. A certification shall be subject to renewal after a period of two years, or less as provided in paragraph Subsection F(6).

(2) Renewal procedure. Application for certification renewal shall be made at least 60 days prior to expiration. To be recertified, an applicant shall repeat the requirements for initial certification, except as provided in Subsection E.

(3) Temporary certification. Applicants shall be placed on a temporary certification register. Such temporary certification shall be valid until an approved course and examination are offered. The Board of Health or its authorized agent shall notify applicants when and where the course will be held.

(4) Permanent certification. After a food service manager has been recertified once, certification shall be permanent. No further recertification will be required, providing an acceptable level of performance is maintained. The Health Department reserves the right to suspend certification at any time, if warranted.

(5) Reciprocal certification. The Board of Health may certify a food service manager holding a current certification from another agency with substantially equivalent standards. The Board reserves the right to require an examination before granting reciprocal certification.

(6) Suspension. The Health Department shall, from time to time, conduct inspections and/or collect official samples to determine an establishment's degree of compliance with Chapter 12 of the New Jersey State Sanitary Code. The certification of the food service manager working in the establishment shall automatically be suspended and subject to immediate renewal, without course waiver, if either of the following inspection results is found:

(a) The establishment receives an inspection rating of "Unsatisfactory."

(b) The establishment receives two or more "Conditionally Satisfactory" inspection ratings within a period of one year.

G. Fees. Fees for the certification of food service managers shall be as set forth in § 245-2A.

H. Penalties. Any person who shall violate any of the provisions of this section shall, upon conviction, be punished by a fine not less than $25, nor greater than $100. Each day a particular violation continues shall constitute a separate offense.

Chapter 284

GAMES OF CHANCE

§ 284-1. Purpose.

§ 284-2. Hours; eligibility; elections; fees.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 1-94 (Sec. 4-7 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

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§ 284-1. Purpose.

This chapter shall be for the purpose of regulating all games of chance held, operated or conducted within the Township, pursuant to the Acts of the Legislature of the State of New Jersey known as the Bingo Licensing Law and the Raffles Licensing Law, and in accordance with the rules and regulations issued or to be promulgated by the Legalized Games of Chance Control Commission in the Department of the State of the State of New Jersey. All applications, licenses and proceedings in connection therewith shall be subject to the provisions of the acts and the rules and regulations, and any laws, rules and regulations hereafter enacted; and shall be further subject to the provisions of this chapter.

§ 284-2. Hours; eligibility; elections; fees. [Amended by Ord. No. 95-4]

A. Hours. No licensee authorized by law shall hold, operate or conduct any game of chance at the place where the game of chance is being conducted under license except between the hours of 9:00 a.m. and 11:59 p.m.

B. Sunday. A license for holding, operating or conducting a licensed game of chance may provide that the game so licensed may be conducted under such license on Sunday, and the conduct of licensed games of chance within the Township on Sunday is authorized.

C. Organizations eligible for license. No license to conduct a game of chance as authorized by law shall be issued to any organization not having a bona fide situs established in good faith within the State of New Jersey and actively engaged in serving one or more of the authorized purposes as defined by the rules and regulations of the Legalized Games of Chance Control Commission.

D. Games of chance during elections prohibited. No game of chance shall be conducted under any license at any time during which a general, municipal, primary, special or board of education election is being held, while the polls are open for voting at such election.

E. Fees. All qualified organizations shall be exempt from the payment of any municipal licensing fee.

Chapter 290

GENETICALLY ENGINEERED MICROORGANISMS

§ 290-1. Definition.

§ 290-2. Permit required.

§ 290-3. Rules and regulations.

§ 290-4. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 7-88 (Sec. 3-8 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

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§ 290-1. Definition.

For the purposes of this chapter, the following terms shall have the meanings indicated:

GENETICALLY ENGINEERED MICROORGANISM — A living microorganism, including, but not limited to, bacteria and virus whose genes have been artificially altered for scientific or commercial purposes.

§ 290-2. Permit required.

No person or entity shall release any genetically engineered microorganisms into the outdoor environment within the Township of Fredon as part of any field tests, experiment or research project, or for any other reason, without first having obtained a permit issued by the Township Committee, after public hearing.

§ 290-3. Rules and regulations.

The Township Committee shall adopt, by resolution, such rules and regulations which shall, in its discretion, be deemed reasonable and necessary governing the application for permission to release any genetically engineered microorganism into the outdoor environment of the Township, including, but not limited to, regulations requiring completion of appropriate applications; submission of a plan for environmental protection, containment and disposal; submission of a plan insuring the health, safety and welfare of the public; submission of approvals by appropriate state and federal governmental agencies; payment of fees and costs to the Township; survey and location of the release site and affected areas; and posting of appropriate sureties or other insurances to guarantee against liability for damage or loss.

§ 290-4. Violations and penalties. [Amended by Ord. No. 99-06]

Any person or entity who violates this chapter shall be liable for penalties in accord with the schedule shown in § 1-3. If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate and distinct offense under this chapter.

Chapter 308

HOUSING STANDARDS

§ 308-1. Title.

§ 308-2. Adoption of the New Jersey State Housing Code.

§ 308-3. Public record.

§ 308-4. Health Officer.

§ 308-5. Notice of violation.

§ 308-6. Hearing.

§ 308-7. Occupancy.

§ 308-8. Issuance of certificate of occupancy required.

[HISTORY: Adopted by the Board of Health of the Township of Fredon 4-1-1974 (Ch. BH:VIII of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Public health nuisances — See Ch. 354.

§ 308-1. Title.

This chapter shall be known as the "Housing Code of the Township of Fredon."

§ 308-2. Adoption of the New Jersey State Housing Code.

The New Jersey State Housing Code, as approved by the Department of Health and Conservation and Economic Development and as filed in the Secretary of State's office, is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building in the Township for human habitation, occupancy, rental or use pursuant to N.J.S.A. 40:49-5.1.

§ 308-3. Public record.

As provided by law, three copies of the New Jersey State Housing Code have been placed on file in the office of the Township Clerk for use and examination of the public.

§ 308-4. Health Officer.

A. Designated code officer. The Code Enforcement Officer appointed by the Township Committee is hereby designated as the officer to exercise the powers prescribed in the Code.

B. Inspections. The Health Officer is hereby authorized and directed to make inspections. He is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises to determine if a violation exists.

§ 308-5. Notice of violation.

A. Notice by Health Officer. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided.

B. Form; contents; service of notice. Such notice shall:

(1) Be put in writing.

(2) Include a statement of the reasons it is being served.

(3) Allow a reasonable time for the performance of any act it requires.

(4) Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice, by any other method authorized or required under the laws of this state.

C. Outline of remedial action. Such notice may contain an outline of remedial action which, if taken, shall effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

§ 308-6. Hearing.

A. Request for hearing; time limit for petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Health, provided such person shall file in the office of the Township Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served.

B. Time and place of hearing; postponement upon appeal. Upon receipt of such petition, the Board of Health shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed, provided that upon application of the petitioner, the Board of Health may postpone the date of the hearing for a reasonable time beyond such ten-day period if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

C. Results of hearing. After such hearing, the Board of Health shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Board of Health sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a

written petition for a hearing is not filed in the office of the Township Clerk within 10 days after such notice is served.

D. Public record. The proceedings at such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Township Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

E. Emergency action; order effective immediately.

(1) Immediate action. Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, or safety, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately.

(2) Immediate compliance; petition for hearing. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Board of Health shall be afforded a hearing as soon as possible. After such hearing, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Board of Health shall continue such order in effect, or modify it, or revoke it.

§ 308-7. Occupancy.

No person shall occupy as owner-occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of this chapter established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

§ 308-8. Issuance of certificate of occupancy required. [Added by Ord. No. 2006-06; amended by Ord. No. 2008-08]

To better secure the enforcement of the Housing Code, no person shall occupy or lease to another for occupancy or permit the occupancy of any residential rental unit in the Township until a certificate of occupancy has been applied for and obtained. Prior to issuance of any such certificate of occupancy, the Construction Official shall inspect the building or building unit to ascertain that all requirements of the Code are being complied with. The certificate of occupancy shall specify the maximum number of persons permitted to occupy the dwelling or dwelling unit in compliance with the Code. Each certificate of occupancy shall expire and become null and void upon the termination of the occupancy of the dwelling or dwelling unit by the person to whom it was issued and the members of his family, and that dwelling or dwelling unit shall not be occupied by any other person until a new certificate of occupancy is applied for and obtained. There shall not be a fee charged for each certificate of occupancy issued under this section.

Chapter 317

JUNKYARDS

§ 317-1. License required.
§ 317-2. Application.
§ 317-3. Fee.
§ 317-4. Rules and regulations.
§ 317-5. Motor vehicle junk dealers.
§ 317-6. Removal and storage of flammable materials.
§ 317-7. Stacking of motor vehicles.
§ 317-8. Disposition of fees.
§ 317-9. Inspection.
§ 317-10. Additional rules and regulations.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 6-28-1955 (Sec. 4-3 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles — See Ch. 510. **Zoning — See Ch. 550.**

§ 317-1. License required.

No person shall keep, maintain or operate what are commonly known as junkyards or used car lots for the purpose of purchasing, selling or storing old junk, rope, iron, brass, copper, tin, lead or other materials, used auto cars, any abandoned or unusable vehicles, used lumber, old bottles and materials of similar nature, without obtaining a license therefor in accordance with the provisions of this chapter.

§ 317-2. Application.

All persons now or hereafter engaged in the business of junk dealer or used car dealer shall make application to the Township Clerk. The application shall be in writing and shall set forth the name of the person and his address or principal place of business and describe the premises upon which the business is to be conducted, giving the street frontage and approximate depth of the premises. The application shall be accompanied by the required license fee. The Township Clerk shall present the application to the Township Committee at its next meeting and issue a license to such person on the approval of the same by the Township Committee. All licenses shall expire on December 31 of the year of issuance. All persons, upon the expiration of any license granted hereunder, shall make application to the Township Clerk for renewal of the license and shall pay for the license the same fee as herein set forth.

§ 317-3. Fee. [Added 6-25-1962]

All persons receiving such license shall pay to the Township an annual license fee of $500, provided that no license shall be issued without the written approval of the Township Committee and provided further that a license may be revoked at the option of the Township Committee for good cause on complaint after due notice and a hearing.

§ 317-4. Rules and regulations.

A. No license issued shall entitle the licensee to operate any other lot, building or location than that which is specified in the license.

B. No licensee shall in the line of his business receive any article or thing by way of pledge or pawn, nor shall be advance any sum of money on the security of any article or thing.

C. No licensee shall purchase any goods, articles or other things whatsoever from any person under the age of 16 years.

D. Every licensee who receives or is in possession of any goods, articles or things, which are lost or stolen, shall forthwith on demand to view the same present them to the Township Committee or to the police authorities of the Township.

E. No junk, old rope, old iron, brass, copper, tin, lead or other metal, rags, old bottles, used lumber and materials of similar nature shall be kept on any sidewalk in the Township or in front of the place of business conducted by the licensee as a junkyard or used car lot.

§ 317-5. Motor vehicle junk dealers.

The make, model, engine number and serial number of all motor vehicles received by any person engaged in the business of motor vehicle junk dealer shall be reported to the Township Clerk within 24 hours after the receipt thereof and before the same are dismantled or otherwise disposed of.

§ 317-6. Removal and storage of flammable materials.

A. All gasoline, fuel or other explosive material shall be drained and removed from any motor vehicle within 24 hours after it is received on any premises located in the Township. Such gasoline, fuel or other explosive material shall either be removed from the premises or kept in a leakproof tank buried on the premises to a sufficient depth so that the top of the tank is not nearer to the surrounding ground level than 2 1/2 feet. The tank, together with the filling parts and vents, shall not be placed nearer to any building located on the premises or upon any adjacent premises than 20 feet and shall be kept back from the curbline of the street in front of or adjacent to the premises a distance of 50 feet.

B. All flammable material removed from the motor vehicle and not removed from the premises shall be kept or placed in a fireproof building or room or as hereinabove provided.

§ 317-7. Stacking of motor vehicles.

It shall be unlawful to stack, pile or place parts of motor vehicles upon any premises in such a manner as to create a fire hazard or a place for the harboring or breeding of rats, mice or vermin.

§ 317-8. Disposition of fees.

Upon the issuance of any license under the provisions of this chapter, the Township Clerk shall turn over the license fee to the Township Treasurer.

§ 317-9. Inspection.

The Health Officer designated by the Board of Health shall during business hours make reasonable periodic and effective inspection of all the premises and buildings for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provisions of this chapter.

§ 317-10. Additional rules and regulations.

All licenses under this chapter shall be subject to such reasonable rules as may be made from time to time by the Township Committee for the purpose of operation and regulation of the places of business named in the license.

Chapter 333

LITTERING

ARTICLE I
Littering

§ 333-1. Definitions.
§ 333-2. Litter in public places.
§ 333-3. Placement of litter in receptacles to prevent scattering.
§ 333-4. Sweeping litter into gutters prohibited.
§ 333-5. Litter thrown by persons in vehicles.
§ 333-6. Throwing or distributing handbills.
§ 333-7. Truckloads causing litter.
§ 333-8. Litter on private property.
§ 333-9. Owners to maintain premises free of litter.
§ 333-10. Violations and penalties.
§ 333-11. Administration; enforcement.

ARTICLE II
Littering and Dumping

§ 333-12. Declaration of intent.
§ 333-13. Definitions.
§ 333-14. Littering prohibited.
§ 333-15. Illegal dumping.
§ 333-16. Violations and penalties.

[HISTORY: Articles I and II adopted by the Board of Health of the Township of Fredon as indicated in article histories. Subsequent articles adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles — See Ch. 510.

ARTICLE I
Littering
[Adopted by Ord. No. BH:1-75 (Ch. BH:VI of the 1972 Revised General Ordinances)]

§ 333-1. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein.

ABANDONED AUTOMOBILE — Any automobile which is in such condition that it cannot operate under its own power. Any automobile in such condition, which is permitted to remain on any property for more than 48 hours, and for which the owner has taken no steps to effect the repair or removal thereof, shall prima facie be deemed to be abandoned.

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

LITTER — "Garbage," "refuse," and "rubbish" as defined herein and all other junk or waste material including abandoned automobiles, which, if thrown, deposited, or stored, as herein prohibited, tends to create a danger to public health, safety and welfare.

PRIVATE PREMISES — Any dwelling house, building or other structure designed or used, whether wholly or in part, for private residential purposes whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, ground, walk, driveway, porch, steps or vestibule belonging appurtenant to such dwelling house, building or other structure.

PUBLIC PLACE — Any street, sidewalks, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

PUBLIC STRUCTURE OR BUILDING — Any structure or building owned or operated by the federal, county, state government or any governmental agency.

REFUSE — All putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, dismantled automobiles and parts thereof, scrap metal, junk, machinery and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as but not limited to paper, wrappings, cigarettes, cardboard, tin cans, bedding, crockery, building materials and other similar materials. Such definition shall not include such hay, grass, straw, weeds, vegetable wastes, ashes, or animal manures, which are used by the individual homeowner as compost materials provided such composting does not create a danger to public health, safety and welfare.

§ 333-2. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Township except in public receptacles or in authorized private receptacles for collection, or in official sanitary landfills.

§ 333-3. Placement of litter in receptacles to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place.

§ 333-4. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 333-5. Litter thrown by persons in vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the Township..

§ 333-6. Throwing or distributing handbills.

A. Prohibited. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, road or other public place within the Township, nor shall any person hand out or distribute or sell any commercial handbills in any public place.

B. Exception. It shall not be unlawful on any sidewalk, street, road or other public place within the Township for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to receive it.

§ 333-7. Truckloads causing litter.

No person shall drive or move any truck or other vehicle within the Township unless such vehicle is constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other public place.

§ 333-8. Litter on private property.

No person shall throw, deposit or store litter on any private property within the Township whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection and removal of the litter in such manner that it shall not be unsightly and detrimental to the surrounding neighborhood.

§ 333-9. Owners to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 333-10. Violations and penalties. [Amended by Ord. No. 99-06]

Any person violating or failing to comply with any of the provisions of this article shall be liable for penalties in accord with the schedule shown in § 1-3, and each and every day that the violation or lack of compliance continues shall constitute a separate and subsequent offense.

§ 333-11. Administration; enforcement. [Added by Ord. No. BH:1-82]

This article shall be administered and enforced by the Code Enforcement Officer.

ARTICLE II
Littering and Dumping
[Adopted by Ord. No. 1-92 (Sec. 3-10 of the 1972 Revised General Ordinances)]

§ 333-12. Declaration of intent.

It is hereby declared and found that:

A. Litter, bulk waste and liquid waste carelessly discarded or disposed of is the cause of civic disgrace.

B. Carelessly discarded or disposed of litter, bulky waste and liquid waste is a health, fire and safety hazard and is a pollutant to our environment.

C. In order to upgrade the quality of life in current and future generations within the Township, an all-out litter control and illegal dumping campaign can result in substantial savings to taxpayers of the Township.

D. Litter and illegal dumping is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public health, safety and general welfare of the residents of the Township.

§ 333-13. Definitions.

For the purpose of this article, the following words, phrases and terms, and their derivations, shall have the meaning as defined herein. When not inconsistent with the context, words used in the present tense include the future tense; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BULK WASTES — Any nonputrescible waste from a household or commercial establishment, including, but not limited to, furniture, junk, appliances, bedding, drums, containers, pallets, lawn mowers, bikes, tires, rugs, equipment, vehicle parts, junk vehicles, canisters, grills, construction materials and metals.

CATCH BASIN — Any area created into which surface water collects or drains. This shall include drainage swales and sewer drains.

CONTAINER — Any device, from a plastic bag to a tractor trailer, that waste materials are placed in or loaded into or onto, including, but not limited to, any size paper bag, plastic bag, garbage can, trailer, litter baskets, recycling bin, rolloff, boxcar, compactor, flat bed, dumpster or hopper.

GUTTERS — Any roadside, whether it is curbed or uncurbed.

LIQUID WASTE — Waste which is in a liquid form, whether a toxic, hazardous or not, from residential, commercial, institutional or industrial locations. Liquid waste includes, but is not limited to:

Used motor oil
Antifreeze
Brake fluid
Transmission fluid
Paints
Solvents and thinners
Sludge
Septic sewage and leachate
Washdown waters
Gasoline
Roofing tar and driveway sealant
Pesticides, herbicides and insecticides

LITTER — Any used or consumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, metal or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar, can or any top, lid, cap or detachable tab, any lighted or unlighted cigarette, cigar, match or any bagged or unbagged garbage, refuse, debris, rubbish, newspaper, magazines, handbills, advertisements, metal, plastic or paper containers or any packaging or construction material, but does not include the waste from primary processes of mining or other extraction processes, logging, sawmilling, composting, farming or manufacturing.

PRIVATE PLACE — Any house, dwelling, building or other structure designed or used, either wholly or in part, for private residential or business purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, lobby, parking area and mailbox belonging or appurtenant to each dwelling, house, building or other structure.

PUBLIC PLACE — Any building, street, walkway, grounds, park, playground, recreation center, squares, sidewalks, alleys, rail bed or other public right-of-way or public area owned by the Township or other public entity.

PUBLIC UTILITY — Any service company regulated by the Board of Public Utilities, including telephone companies, electric companies, solid waste collection companies, gas companies and water companies. This shall also include nonregulated private or municipal utility companies providing these services.

PUBLIC WATERS — Any body of water which is upon or runs through lands within the Township. This shall include, but not be limited to, lakes, streams, rivers, ponds, fountains and reservoirs.

RECYCLABLE MATERIALS — Materials which can be processed and used as feedstock in the manufacturing of new products of the same materials in total or as an additive to create new products or uses.

NOTE: Materials designated as recyclable in Sussex County are as follows:

Corrugated cardboard
Plastic (PET and HDPE) containers
Aluminum beverage cans
Tin and bimetal food and beverage cans
Newsprint
Glass
High-grade paper (stationery and computer)
Magazines

VEHICLE — Any automobile, truck, tractor, bus, cab, motorcycle, boat or train used to transport people, materials or containers, as well as pull trailers along roadways, tracks or upon water.

§ 333-14. Littering prohibited.

A. No person shall discard, place, blow, throw, dump, rake or sweep litter in, on or upon any roadway, right-of-way, parking lot, park playground, recreational center, rail bed, public buildings, sidewalk, public waters, gutter, catch basin or any other public area owned by the Township or other public entity. This includes, but is not limited, to the following:

(1) No person shall place, or cause to be placed, any handbill or other printed matter, advertisements, newspaper, etc. in such a manner as to become litter.

(2) No driver or rider in any vehicle, moving or standing, shall discard waste from within the vehicle in such a manner as to become litter.

(3) No person operating a vehicle shall allow any of its freight to remain uncovered, while moving or standing, as to allow any of the contents to escape and/or become litter.

(4) No person shall place or load any waste or materials into any container in such a manner which shall cause overflowing, resulting in litter.

(5) No person shall sweep litter, either manually or by mechanical means, from any sidewalk, driveway parking area, store front, etc. into a gutter or catch basin.

(6) No person shall place, or cause to be placed, any materials which shall become litter in the waters within this Township.

(7) No person shall place, or cause to be placed, any poster, handbill, advertisement, sign, public notice, etc. in such a manner whereby, due to natural elements, it may become litter.

(8) No person operating a vehicle shall allow or cause to be carried onto any roadway debris from its undercarriage or on its tires, including excessive mud or sticky substances.

(9) No person shall allow or cause litter to collect on any private or public place whereby it can be carried off by natural elements onto other public or private places or roadways. This shall include, but not be limited to, porches, yards, store fronts, loading areas, construction sites, parking lots, driveways, collection depots, dumpster areas or windshields.

(10) No person shall allow or cause any material to escape from the site of any construction, landscaping, grading, land clearing, composting or like operation.

(11) No person shall rake, either by manual or mechanical means, any yard waste into the gutter or catch basin areas.

(12) No person, public utility or private company shall allow or cause cut branches or wood chips to be placed in such a manner as to slide, blow or otherwise be carried by natural elements onto the roadway.

B. All litter-type materials, as defined herein, shall be placed in proper containers in such a manner that it cannot become litter. All designated recyclable litter type materials shall be separated from the nonrecyclable materials and placed in proper containers. Where no containers are available, persons shall take their litter-type materials, recyclable and nonrecyclable, with them for proper disposal.

§ 333-15. Illegal dumping.

A. No person shall discard, place, blow, throw, dump, pour or release any solid or liquid waste in, on or upon any roadway, right-of-way, parking lot, park, playground, recreational center, railbed, public building, sidewalk, waters, gutter, catch basin or any other public area owned by the Township or other public entity. This includes, but is not limited to, the following:

(1) No person shall place, or cause to be placed, any household trash in such a manner and location as to constitute illegal dumping, as defined above.

(2) No person shall place, or cause to be placed, any bulk waste in such a manner and location as to constitute illegal dumping, as defined above.

(3) No vehicle transporting solid waste or bulk waste shall do so in a manner in which materials being transported can escape from such vehicle during transportation.

(4) No person shall place, pour, release or dump any liquid waste at any time in, on or upon any Township location, as defined above, with the exception of approved agricultural practices.

(5) No vehicle transporting liquid wastes or materials shall cause any of the contents to leach, leak, flow or drip from the vehicle, or any of its hoses or attachments, while standing or moving on roadways.

B. This section is not intended to include house refuse, recycling materials and bulk item material pickup by Township approved licensed haulers.

§ 333-16. Violations and penalties. [Amended by Ord. No. 99-06]

A. Any person violating or failing to comply with any provisions of this article shall be liable for penalties in accord with the schedule shown in § 1-3. The continuation of such violation shall constitute a separate offense, and persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. Violations under this article shall be prosecuted by the Sussex County Health Department or local code enforcer, as the case may be, in the Municipal Court.

Chapter 354

NUISANCES, PUBLIC HEALTH

§ 354-1. Adoption of Code. § 354-2. Public record.

[HISTORY: Adopted by the Board of Health of the Township of Fredon 8-2-1965 (Ch. BH-III of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Housing standards — See Ch. 308. Littering — See Ch. 333.

§ 354-1. Adoption of Code.

A. A code defining and prohibiting certain matters, things, conditions or acts and each of them as a nuisance, prohibiting certain noises or sounds, requiring the proper heating of apartments, prohibiting lease or rental of certain buildings, prohibiting spitting in or on public buildings, conveyances or sidewalks, authorizing the inspection of premises by an enforcing official, providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating certain such nuisances and prescribing penalties for violations is hereby established pursuant to Chapter 188, Laws of 1950. A copy of the code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

B. The code established and adopted by this chapter is described and commonly known as the "Public Health Nuisance Code of New Jersey (1953)."

§ 354-2. Public record.

Three copies of the Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the secretary of the Board of Health of the Township and will remain on file there for the use and examination of the public.

Chapter 359

NUMBERING OF BUILDINGS AND LOTS

§ 359-1. Retroactive effect.
§ 359-2. Numbering required.
§ 359-3. Establishment of numbers.
§ 359-4. Application for number; display.
§ 359-5. Specifications.
§ 359-6. Postal service numbers.
§ 359-7. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 7-87 (Ch. VIIA of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 200.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

§ 359-1. Retroactive effect.

It is the intention of this chapter to apply retroactively and include existing lots and buildings, as well as those created after the effective date of this chapter.

§ 359-2. Numbering required.

All buildings, including residences and lots of land established within the Township, shall be subject to being numbered for proper identification, especially for reasons of expediency in fire, police and medical emergencies.

§ 359-3. Establishment of numbers.

A. Assignment of numbers.

(1) The Township Assessor is hereby authorized to file in his/her office maps of the lots of land established with the Township and designate thereon a system of numbering such lots for proper identification.

(2) The Assessor is further authorized to assign numbers to buildings erected upon such lots for proper identification.

B. Criteria for numbering. As standards for such designation and assignments, the Assessor shall give due regard to the need for a logical and uniform sequence of assignment along the streets and roads of the Township to obtain better identification and convenience for location. Generally, numbering of a street shall begin at its intersection with a more major street and shall be numbered from "one" on the left and "two" on the right.

§ 359-4. Application for number; display.

A. Application; assignment of number. The property owner shall apply to the Township Assessor to obtain the number assigned to the owner's building, and upon making such application, the assessor shall issue to the applicant the number assigned to his/her building.

B. Notification by Assessor. In the absence of an application, the Township Assessor is empowered to notify the property owner of the number assigned to his/her building.

C. Display of number. Upon receipt of the number assigned, the owner shall affix and display upon the main building the assigned number in numerical or written (English) fashion, constructed of reflective material, and shall maintain such numbers at all times. **[Amended by Ord. No. 2003-04]**

D. Alternate numbers. No number shall be placed upon any building for the purpose of this chapter, unless such number shall be that number which has been assigned under the authority of this chapter, and correspond with the numbers placed upon the maps or records on file with the Assessor.

§ 359-5. Specifications.

A. Size; location. **[Amended by Ord. No. 2003-04]**

(1) The size of the number required to be affixed and displayed shall be not less than three inches in height, constructed of reflective material, and shall be numerical or written (English) style. It shall be placed in a conspicuous location upon the street-facing portion of the main building at a location thereon to provide a clear and legible identification of the building.

(2) Where possible, the number shall be placed so as to be illuminated by existing outside lighting.

B. Alternate location. Where a building is so situated so as to prevent the unaided eye from reading the number affixed thereto from the street, the number shall be displayed on an appropriate marker, post or on the mailbox adjacent to the driveway or walkway leading to the building.

§ 359-6. Postal service numbers.

This chapter shall apply to all properties that have been previously assigned a number by the U.S. Postal Service.

§ 359-7. Violations and penalties. [Amended by Ord. No. 99-06]

A person who shall refuse, fail or neglect to comply with any provisions of this chapter shall be liable for penalties in accord with the schedule shown in § 1-3.

Chapter 372

PARKS AND RECREATION AREAS

§ 372-1. Prohibited conduct.

§ 372-2. Smoking prohibited, except for areas specifically designated as smoking areas.

§ 372-3. Use of park and recreation areas.

§ 372-4. Permits for special events.

§ 372-5. Enforcement.

§ 372-6. Use by Board of Education.

§ 372-7. Violations and penalties.

§ 372-8. Supplementary provisions.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 1-91 (Sec. 3-11 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Motorized sport vehicles — See Ch. 522.

§ 372-1. Prohibited conduct.

A. It shall be unlawful for any person in a public park or recreation area to:

(1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities, or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition.

(3) Dig or remove any soil, rock, sand, stones, trees, shrubs, plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(5) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grassed areas, or in any other way injure the natural beauty or usefulness of any area.

(6) Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property, not designated or customarily used for such purposes.

(7) Tie or hitch an animal to any tree or plant.

(8) Hunt, molest, kill, wound, trap, abuse, shoot, pursue or throw missiles at, remove or have in his/her possession any animal, reptile or bird found within a Township park, nor disturb its habitat within a Township park; or knowingly buy, receive, have in his/her possession, sell or give away any such animal, reptile, bird or eggs so taken, except as may be specifically provided for, and in accordance with state and federal fish and game laws.

(9) Throw, discharge or otherwise place, or cause to be placed, in the waters of any fountain, pond, lake, stream or other body of water in any park or any tributary stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(10) Have brought in, or dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(11) Drive or park any vehicle on any area, except the paved park roads, parking areas or such areas as, on occasion, may be specifically designated as temporary areas by the Park and Recreation Committee.

(12) Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas. No motor vehicle shall be parked in any park areas from 1/2 hour after sunset until sunrise, except as otherwise permitted.

(13) Ride a bicycle without reasonable regard to the safety of others.

(14) Leave a bicycle lying on the ground or paving, set against trees or in any place or position where a person may trip over or be injured by it.

(15) Swim, bathe or wade in any waters or waterways in any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereinafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activities are prohibited by the Park and Recreation Committee upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(16) Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind, nor shall any guy wire, rope or extension brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

(17) Bring into or operate any boat, raft or other water raft, whether motor-powered or not, upon any waters, except at places designated for boating by the Park and

Recreation Committee. Such activity shall be in accordance with applicable regulations as are now or will hereafter be adopted.

(18) Navigate, direct or handle any boat in such a manner as to justifiably or unnecessarily annoy, frighten or endanger the occupant of any other boat.

(19) Fish in any area where bathing is permitted.

(20) Shoot into park areas from beyond park boundaries. No person shall carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device, except as may be specifically provided for, and in accordance with state and federal fish and game laws.

(21) Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(22) Violate the regulation that use of individual fireplaces, together with tables and benches, follows the generally accepted rule of "first come, first served."

(23) Use any portion of the picnic area, or any of the buildings or structures therein, for the purpose of holding picnics to the exclusion of other persons. Nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.

(24) Leave a picnic area before the fire is completely extinguished and before all trash is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(25) Set up tents, shacks or any other temporary shelter for the purpose of overnight camping. Nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used, or that could be used, for such purpose such as a house trailer, camp trailer, camp wagon or the like, except in those areas designated by the Park and Recreation Committee for those purposes.

(26) Take part in or abet the playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes, except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games, such as football, baseball and lacrosse is prohibited, except on the fields, courts or areas provided therefor. Roller-skating shall be confined to those areas specifically designed for such pastime.

(27) Ride a horse, except on designated bridle trails, where permitted. Horses shall be thoroughly broken, properly restrained and ridden with due care, and shall not be

allowed to graze or go unattended; nor shall they be hitched to any rock, tree or shrub.

(28) Bring alcoholic beverages, drink same at any time or be under the influence of intoxicating liquor in a park.

(29) Have in his/her possession, or set or otherwise cause to explode, discharge or burn, any firecracker, torpedo rocket or other fireworks, firecrackers, explosives or inflammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints. At the discretion of the Park and Recreation Committee, permits may be given for conducting properly supervised fireworks in designated park areas.

(30) Be responsible for the entry of a dog or other domestic animal into areas clearly marked by the Park and Recreation Committee by signs bearing the words "Domestic Animals Prohibited in this Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length.

(31) Solicit arms or contributions for any purpose, whether public or private.

(32) Build or attempt to build a fire, except in such areas and under such regulations as may be designated by the Park and Recreation Committee. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park or on any highways, roads or streets abutting or contiguous thereto.

(33) Enter an area posted as "Closed to the Public," nor shall any person use, or abet in the use of, any area in violation of posted notices.

(34) Gamble, or participate in or abet any game of chance, except in such areas and under such regulations as may be designated by the Park and Recreation Committee.

(35) Go onto the ice on any of the waters, except such areas as are designated as skating fields, and provided a safety signal is displayed.

(36) Upon request, to fail to produce and exhibit any permit from the Park and Recreation Committee (s)he claims to have to any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(37) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(38) Expose or offer for sale any article or thing. Nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. This subsection shall not apply to any regularly licensed concessionaire

acting by and under the authority and regulation of the Park and Recreation Committee.

(39) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any park lands, highways or roads in any park.

(40) While in a public park or recreation area conduct themselves in other than a proper and orderly manner.

§ 372-2. Smoking prohibited, except for areas specifically designated as smoking areas. [Added by Ord. No. 2006-04]

A. Smoking, defined as the burning of a lighted cigar, cigarette, or pipe, or any other matter or device that contains tobacco, including the carrying of lighted tobacco, shall be prohibited at all times within the public parks and recreational facilities of the Township of Fredon, including (but not limited to):

(1) All fields, parking lots, restrooms, bleacher areas, dugouts, playground areas, concession stands, and shelters; and

(2) All enclosed public park buildings owned, leased, or operated by the Township of Fredon.

B. "No Smoking" signs shall be clearly, sufficiently, and conspicuously posted at the entrance to the park and at the concession stand. Smoking is only permitted in the areas posted as designated smoking areas with appropriate signage.

C. Any person who violates this section is guilty of a petty disorderly persons offense, pursuant to N.J.S.A. 2C:33-13, and subject to a fine of up to $200.

§ 372-3. Use of park and recreation areas.

A. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information and shall be determined from time to time by resolution of the Park and Recreation Committee.

B. No person shall be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in any park facility, program or activity on the grounds of race, color, national origin, religion, age, sex or handicap.

C. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained in any park on the basis of residence.

§ 372-4. Permits for special events.

Permits for special events in parks shall be obtained by application to the Park and Recreation Committee in accordance with the following procedures:

A. Application. A person seeking issuance of a permit hereunder shall file an application with the Park and Recreation Committee stating:

(1) The name and address of the applicant.

(2) The name and address of the person or persons, corporation or association sponsoring the activity, if any.

(3) The day and hours for which the permit is desired.

(4) The park, or portion thereof, for which such permit is desired.

(5) Any other information which the Park and Recreation Committee shall find reasonably necessary for a fair determination as to whether a permit should be issued hereunder.

B. Standards for issuance. Standards for issuance of a use permit by the Park and Recreation Committee shall include the following findings:

(1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.

(2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(3) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.

(4) That the proposed activity will not entail extraordinary or burdensome expense of police operation by the Township.

(5) That the facilities desired have not been reserved for other use at the date and hour requested in the application.

C. Notice of denial; appeal.

(1) Within five days after the receipt of an application, if the permit is refused, the Park and Recreation Committee shall apprise an applicant, in writing, of its reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Township committee by serving written notice thereof on the Township Clerk within five days of such refusal.

(2) A copy of such notice shall also be served on the Park and Recreation Committee within the same time and the committee shall immediately forward the application and the reasons for its refusal to the Township Committee, which shall consider the application under the standards set forth under Subsection B hereof and sustain or overrule the Park and Recreation Committee's decision within 10 days from the

receipt of the appeal by the Township Clerk. The decision of the Township Committee shall be final.

D. Rules. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permits.

E. Insurance. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. The Park and Recreation Committee shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the committee prior to the commencement of any activity or issuance of any permit.

F. Revocation. The Park and Recreation Committee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

§ 372-5. Enforcement.

A. The Park and Recreation Committee and park attendants, in connection with their duties imposed by law, shall diligently enforce the provisions of this chapter.

B. The Park and Recreation Committee and any park attendant shall have the authority to eject from the park area any person or persons acting in violation of this chapter.

C. The Park and Recreation Committee and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.

D. This chapter shall also be enforced by the New Jersey State Police and the Sussex County Sheriff, including duly authorized law enforcement agencies. **[Amended 12-12-2013 by Ord. No. 2013-06]**

§ 372-6. Use by Board of Education.

The Township reserves the right, with respect to any or all of the public park and recreation areas and any facilities located therein, to enter into any agreement with the Board of Education of the Township concerning the control and use thereof and, anything contained in this chapter to the contrary notwithstanding, any use of such premises or such facilities by the Board of Education pursuant to any agreement with the Township Committee or Park and Recreation Committee heretofore or hereafter entered into shall be free and exclusive from any control or supervision of or by the Park and Recreation Committee.

§ 372-7. Violations and penalties. [Amended by Ord. No. 99-06]

Any person violating any of the provisions of this chapter or any rule or regulation promulgated pursuant hereto, shall be liable for penalties in accord with the schedule shown in § 1-3.

§ 372-8. Supplementary provisions.

This chapter is in addition to and not in derogation of any other ordinance involving or affecting any of the subject matters contained in this chapter.

Chapter 380

PEDDLING AND SOLICITING

ARTICLE I
Peddlers, Solicitors and Canvassers

§ 380-1. Purpose.
§ 380-2. Definitions.
§ 380-3. Licenses.
§ 380-4. Applications for licenses.
§ 380-5. Registration fee.
§ 380-6. Investigation and issuance of license.
§ 380-7. Duties of licensee.
§ 380-8. Prohibitions.
§ 380-9. Exemptions and exceptions.
§ 380-10. Enforcement.
§ 380-11. Inspection of equipment.
§ 380-12. Use of vehicles.
§ 380-13. Records.
§ 380-14. Revocation of license.
§ 380-15. Appeal.
§ 380-16. Expiration and renewal of license.

ARTICLE II
Charitable Solicitations

§ 380-17. Definitions.
§ 380-18. Permit required; exemption.
§ 380-19. Application for permit.
§ 380-20. Investigation and approval of application.
§ 380-21. Approval; disapproval of application.
§ 380-22. Appeal of disapproval.
§ 380-23. Fee.
§ 380-24. Time limit.
§ 380-25. Hours of solicitation.
§ 380-26. Calendar of solicitations.

[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Peddlers, Solicitors and Canvassers
[Adopted by Ord. No. 24-84 (Sec. 4-5 of the 1972 Revised General Ordinances)]

§ 380-1. Purpose.

The purpose of this article is to prevent fraud, crime and unethical and dishonest business practices. The fees to be charged for the issuance of licenses shall not be considered as revenue but are charged for the purpose of covering the expense of investigation and regulating the conduct of the licensees.

§ 380-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MERCHANDISE — All goods, wares, food, fruit, candy, beverages, farm products, magazines, periodicals, tickets and all kinds of articles of personal property for domestic use

and orders or contracts for a service home improvement or alterations, shall be considered merchandise within the terms of this article.

PEDDLER — Any person traveling on foot or by wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street and carrying, conveying or transporting merchandise, offering and exposing the same for sale; or making sales and delivering merchandise to purchasers. The word "peddler" shall include the words "hawker," "huckster" and "vendor."

SOLICITOR — Any person who goes from place to place by traveling on the streets and roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he is collecting advance payments of such sales. The term "solicitor" shall include "canvasser," provided that this definition shall not include wholesale salesmen calling on retail merchants.

SOLICITOR or CANVASSER — These shall also include any person taking a poll or survey from house to house or on the streets or distributing handbills or advertisements.

§ 380-3. Licenses.

Except as otherwise provided in this article, it shall be unlawful for any solicitor or peddler to sell or dispose of, or to offer to sell or dispose of, any goods, wares or merchandise, or to solicit orders for the performance of any service within the corporate limits of the Township without first obtaining a license in compliance with the provisions of this article and chapter. The license shall not be transferable from the person to whom issued to any other person. A separate license shall be obtained by a licensed solicitor or peddler for every agent or employee working for him.

§ 380-4. Applications for licenses.

Every applicant for a license under this article shall file with the Township Clerk a sworn written application in duplicate on an application to be furnished by the Township Clerk. The form shall give the following information:

A. Name and description of the applicant.

B. Permanent home address and full local address of the applicant.

C. A brief statement of the nature of the business and a description of the merchandise or service to be sold.

D. If employed, the name and address of the employer together with credentials establishing the exact relationship.

E. The length of time for which the license is desired.

F. If a vehicle is to be used, a description of the vehicle and its license number.

G. The place where the goods or property to be sold or offered for sale are manufactured or produced, where the goods or property are located at the time such application is filed, and the proposed method of delivery.

H. Two photographs of the applicant taken within 60 days immediately prior to the date of the application, which photograph clearly shows the head and shoulders of the applicant and measures two inches by two inches.

I. Two business references located in the County of Sussex, State of New Jersey, or in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate his character and responsibility.

J. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

§ 380-5. Registration fee.

At the time the application is filed, a fee as prescribed by the Township fee schedule shall be paid to the Township Clerk to cover the cost of processing the application and investigating the facts stated therein.

§ 380-6. Investigation and issuance of license.

When the application is properly filled out and signed by the applicant, the original and duplicate shall be filed with the Township Clerk. The Township Clerk shall refer the original to a police agency approved by the Township Committee or administrative officer, who shall make or cause to be made an investigation of the applicant's business responsibility and moral character as he deems necessary for protection of the public good.

A. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the responsible police official shall endorse on the application his disapproval and the reasons therefor and return the application to the Township Clerk, who shall notify the applicant that the application is disapproved and that no license shall be issued. Any determination by the responsible police official that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant: conviction of a crime; prior violation of a peddling or soliciting ordinance; previous fraudulent acts or conduct; record of breaches of solicited contracts; evidence of bad character. In the absence of any such finding, the responsible police official shall find the application satisfactory.

B. If as a result of the investigation the character and business responsibility of the applicant are found to be satisfactory, the responsible police official shall endorse on the application his approval and return the license with the application to the Township Clerk, who shall issue the license to the applicant. The license shall contain the signature of the issuing officer and show the name, address and photograph of the licensee, the class of the license issued, the kinds of goods or services to be sold, the date of issuance,

the length of time the license shall be operative, the license number and other identifying description of any vehicle used in the peddling and soliciting activity licensed.

C. The Township Clerk shall issue to each licensee at the time of delivery of his license a card which shall show the nature of the license, the period for which the license is issued and the number of the license easily discernible in letters and figures. The card shall, during the time the licensee is engaged in peddling or soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be visible to a person facing him.

§ 380-7. Duties of licensee.

Any holder of a peddler's or solicitor's license issued by the Township under the authority of this article or by the Clerk of the county under the authority of N.J.S.A. 45:24-9, shall be required to wear the license while engaged in the business or activity licensed within the Township. He shall produce the license at the request of any official or resident of the Township with whom he wishes to conduct his business or activity.

§ 380-8. Prohibitions.

A. No peddler or solicitor shall call attention to his business or to his merchandise by crying out, blowing a horn, ringing a bell, other than the doorbell of a building, or by any other loud or unusual noise or by playing loud music. No peddler or solicitor shall conduct or attempt to conduct his business at any residence or on any property on which is posted a sign expressly prohibiting the activity.

B. No peddler, canvasser, solicitor or vendor may conduct any business or activity or display any signs that are prohibited by Chapter 10 of the Code of the Township of Fredon without first obtaining a variance or relief from the Township Board of Adjustment.

§ 380-9. Exemptions and exceptions.

The requirements of this article shall not apply to the following:

A. Any public utility or its employees which is subject to regulation by the State Board of Public Utility Commissioners, provided that the employees shall display the identification badge or card issued by their employer.

B. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had previously ordered the same or were entitled to receive the same by reasons of a prior agreement.

C. Charitable solicitations, which shall be governed by the provisions of this article.

D. Any person honorably discharged from military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 10.

E. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and 10, and possessing a license in conformity with law.

§ 380-10. Enforcement.

It shall be the duty of the Code Enforcement Officer of the Township to enforce the provisions of this article and to require any person seen peddling or soliciting, who is not known by the officer to be duly licensed, to produce his peddler's or solicitor's license.

§ 380-11. Inspection of equipment.

The equipment used or employed by peddlers of ice cream, foods, beverages, confections and other related commodities, shall be inspected by the Board of Health or its authorized agents. Any violation found which is not immediately corrected shall be grounds for revocation of the license.

§ 380-12. Use of vehicles.

No person licensed under this article shall stop a vehicle on any street in the Township in front of a mercantile establishment for the purpose of selling form such vehicle goods, wares or merchandise.

§ 380-13. Records.

The Township shall maintain a record of all licenses issued under the provisions of this article and record therein all convictions for violations and other pertinent circumstances and incidents reported.

§ 380-14. Revocation of license.

A. Licenses issued under the provisions of this article may be revoked by the Township Committee after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.

(2) Fraud, misrepresentation or false statement by the licensee in the course of conducting the business licensed.

(3) Any violation of this article or other Township ordinance.

(4) Conviction of any crime.

(5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

B. Notice of hearing for revocation of a license shall be given in writing. The notice shall set forth the specific grounds of complaint and the time and place of hearing and shall be

sent by registered mail to the licensee at his last known address at least five days prior to the date set for hearing.

§ 380-15. Appeal.

Any person aggrieved by the action of the responsible police official or of the Township Clerk in the denial of a license shall have the right of appeal to the Township Committee. The appeal shall be taken by filing with the Township Committee within 14 days after the notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds of the appeal. The Township Committee shall set a time and place for hearing of the appeal, and notice of the hearing shall be given in writing to the applicant. The decision of the Township Committee shall be final.

§ 380-16. Expiration and renewal of license.

All licenses issued under the provisions of this article shall expire on December 31 of the calendar year in which they are used or as otherwise issued. Any license may be renewed upon payment of the payment of the registration fee and submission by the licensee of a new application inconformity with the requirements under § 380-4, Applications for licenses, or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the application for the expired license which are necessary to bring the application completely up-to-date. A new application or statement in lieu thereof shall be subject to the provisions and standards set forth in the section applying to the original licensing.

ARTICLE II
Charitable Solicitations
[Adopted by Ord. No. 24-84 (Sec. 4-6 of the 1972 Revised General Ordinances)]

§ 380-17. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHARITABLE OR PHILANTHROPIC PURPOSE — The activities of any patriotic, religious, service, welfare, benevolent, educational, civic or fraternal corporation, organization, association, society or the like.

CONTRIBUTION — The words alms, food, clothes, money, subscription or property of any nature or kind.

PERSON or ORGANIZATION — Any individual, firm, copartnership, corporation, company, association, church, religious denomination, society, class or league.

SOLICIT or SOLICITATION — The request, direct or indirect, of money, credit, property, financial assistance, and other things of value on the representation that such requested item shall be used for a charitable or philanthropic purpose. "Solicitation" shall be deemed to be complete when made, whether or not the person making the same received any contribution.

§ 380-18. Permit required; exemption.

No person or organization shall solicit contributions for charitable or philanthropic purposes within the Township without first obtaining a permit; provided, however, that the provisions of this article shall not apply to any established person or organization authorized and not operated for the pecuniary profit of any person if the solicitations by such person or organization are conducted among the members thereof or if the solicitations are in the form of collections or contributions at the regular assembly or meetings of any such person or organization.

§ 380-19. Application for permit.

A. Application for a permit to make a public solicitation of funds by a charitable philanthropic organization shall be made to the Clerk on forms provided by the Township. In addition to the information required for soliciting and peddling under this article, the application shall contain:

(1) The purpose for which such solicitation is to be made and the estimated amount of funds proposed to be raised thereby.

(2) A specific statement showing the need for solicitation.

(3) The name and address of the person who will be in direct charge of conducting the solicitation.

(4) The name and addresses of all persons making the proposed solicitation.

(5) A brief outline of the method to be used in conducting the solicitation.

(6) A financial statement of the charitable organization for the most recent fiscal year showing income, operating expenses and charitable disbursements for that year.

(7) The times and dates when such solicitation shall be made, giving preferred dates and alternate dates for the beginning and ending of such solicitation.

(8) The amounts of any wages, fees, commissions or expenses to be paid to any persons for conducting such solicitation, and their names and addresses.

(9) A full statement of the character and extent of the charitable or philanthropic work conducted by the applicant within the Township.

(10) A statement to the effect that if the permit is approved, it will not be used or represented in any way as an endorsement of the proposed solicitation by the Township or any of its officers or departments.

B. If, while the application is pending or during the term of any permit granted thereunder, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Clerk in writing within 24 hours after such change.

§ 380-20. Investigation and approval of application.

A. The investigation required for licensing solicitors and peddlers shall be limited to that deemed sufficient for the investigating agency to make a determination that the person or organization is bona fide. Upon making such determination, the responsible police official shall approve the application and notify the Clerk.

B. If the applicant has been a resident of Fredon for one year and is known to the Township Clerk, and meets all other requirements of this article, the Township Clerk may make the determination that the charity is bona fide and issue the permit for charitable solicitation after completing an affidavit to the effect.

§ 380-21. Approval; disapproval of application.

If the application is approved, the Clerk shall immediately notify the applicant and issue the permit without charge. If the application is disapproved, a notification of that decision shall immediately be sent by the Clerk to the applicant stating the reasons for such disapproval.

§ 380-22. Appeal of disapproval.

If the application is disapproved, the applicant may appeal the decision to the Township Committee by filing a written notice of appeal with the Clerk within 14 days after notice of disapproval. The Township Committee shall hold a hearing within 10 days thereafter and its decision shall be final.

§ 380-23. Fee.

There shall be no fee for a charitable or philanthropic solicitation permit.

§ 380-24. Time limit.

No permit shall be valid for a period longer than 90 consecutive days.

§ 380-25. Hours of solicitation.

A. Every licensee, as well as every person engaged in the soliciting or peddling effort, shall restrict his selling or soliciting activity within the Township to the hours between 9:00 a.m. and 5:00 p.m., Mondays through Fridays, and on each day of such activity shall notify the Township Clerk immediately before commencing his selling or soliciting activity and immediately after completing it. Notification shall include a statement as to the general area of the Township in which the licensee, as well as each person engaged in the activity intends to conduct or has conducted the activity.

B. Any person or organization desiring to solicit at hours other than those stated shall make a special request on the application, which request shall be approved or disapproved by the Township Committee. If approval is given by the Township Committee, the permit shall be plainly marked to that effect.

§ 380-26. Calendar of solicitations.

It shall be the duty of the Clerk to keep a current calendar of approved solicitations to be conducted in the Township. The Clerk shall have the right to propose alternate dates for the solicitation if the requested dates should unfairly conflict with other solicitations being conducted in the Township.

Chapter 398

RECYCLING

§ 398-1. Definitions.

§ 398-2. Source separation; exemption from source-separation requirements.

§ 398-3. Collection of recyclable materials.

§ 398-4. Residential dwelling compliance requirements.

§ 398-5. Nonresidential establishment compliance requirements.

§ 398-6. New developments of multifamily residential units or commercial, institutional, or industrial properties.

§ 398-7. Prohibition of collection of solid waste mixed with recyclable materials.

§ 398-8. Enforcement.

§ 398-9. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 6-25-2009 by Ord. No. 2009-05. Amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. 333.

§ 398-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CO-MINGLED — A combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

DESIGNATED RECYCLABLE MATERIALS — Those materials designated within the Sussex County District Solid Waste Management Plan to be source-separated for the purpose of recycling. These materials include:

Residential Generators

Class	Material	Definition
01	Aluminum cans	Food and beverage containers made entirely of aluminum.
03	Computer printout/white ledger	All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and notepad).
06	Corrugated	Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.

Residential Generators

Class	Material	Definition
07	Glass containers	All glass containers used for packaging food or beverages.
10	Leaves and brush leaves	Brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources.
11	Magazine and junk mail magazine stock	White and colored paper and envelopes, telephone directories and books.
13	Mixed office paper	Items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
14	Newspaper	All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
15	Plastic containers	Containers such as polyethylene terephthalate (PETE No. 1) soda bottles, high-density polyethylene (HDPE No. 2) milk, and water or detergent bottles, and includes plastics Nos. 1 through 7.
17	Steel cans	Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
18	Stumps, logs and tree parts	Unfinished wood from land clearing projects, storm damage or pruning activities.
19	Textiles	Textiles larger than 15 inches by 15 inches (e.g., clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals).
20	RubTires	Rubber-based scrip automotive and truck tires.
22	Used motor oil	A petroleum base or synthetic oil whose use includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.

Nonresidential Generators, Commercial and Institutional Sectors

Class	Material	Definition
01	Aluminum cans	Food and beverage containers made entirely of aluminum.

Nonresidential Generators, Commercial and Institutional Sectors

Class	Material	Definition
02	Antifreeze	An automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
03	Computer printout/white ledger	All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and notepad).
04	Concrete, asphalt and masonry/paving material	Asphalt, concrete, brick, cinder block, "patio blocks," and other masonry and paving materials.
05	Consumer batteries	Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional, or household use. (Does not include lead-acid batteries from vehicles.)
06	Corrugated	Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
07	Glass containers	All glass containers used for packaging food or beverages.
08	Heavy iron	All structural steel or ferrous metal, cast iron components.
09	Lead-acid batteries	Batteries from automobiles, trucks, other vehicles and machinery and equipment, which shall be stored in a manner that protects them from the elements to avoid corrosion and leakage.
10	Leaves and brush leaves	Brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources.
11	Magazine and junk mail magazine stock	White and colored paper and envelopes, telephone directories and books.
12	Mercury-containing devices	Including fluorescent and compact tubes, high-intensity discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.
13	Mixed office paper	Items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
14	Newspaper	All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).

Nonresidential Generators, Commercial and Institutional Sectors

Class	Material	Definition
15	Plastic containers	Containers such as polyethylene terephthalate (PETE No. 1) soda bottles, high-density polyethylene (HDPE No. 2) milk, and water or detergent bottles and includes plastics Nos. 1 through 7.
16	Scrap autos	Crushed or shredded automobile or truck bodies, excluding auto shredder residue or "fluff."
17	Steel cans	Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
18	Stumps, logs and tree parts	Unfinished wood from land-clearing projects, storm damage or pruning activities.
19	Textiles	Textiles larger than 15 inches by 15 inches (e.g., clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals)
20	Tires	Rubber-based scrip automotive and truck tires.
21	Used consumer electronics	Any appliance used in a business that includes circuitry. Includes components and subassemblies of the electrode products. Examples include computers and peripherals, printers, copiers, VCRs, televisions, cell phones and fax machines, etc.
22	Used motor oil	A petroleum base or synthetic oil whose use includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.
23	White goods and light iron	All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other nonstructural ferrous scrap.
24	Wood scrap	Unfinished lumber from construction or demolition projects including pallets. "Unfinished" shall mean non-chemically treated (not pressure-treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin-coated or otherwise surface treated, and not laminated or bonded; and not similarly altered from its natural condition).

Nonresidential Generators, Commercial and Institutional Sectors

Class	Material	Definition
25	Nonferrous and aluminum scrap	All non-container aluminum, stainless steel, copper, zinc, brass, and other metals which generally do not rust.

MULTIFAMILY DWELLING — Any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (N.J.S.A. 55: 13A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR — The person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this chapter, and any rules and regulations which may be promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM — All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Fredon.

RECYCLABLE MATERIAL — Those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

SOURCE-SEPARATED RECYCLABLE MATERIALS — Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

SOURCE SEPARATION — The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

§ 398-2. Source separation; exemption from source-separation requirements.

A. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Fredon, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township of Fredon.

B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source-separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those

persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

§ 398-3. Collection of recyclable materials.

The collection of recyclable material shall be in the manner prescribed as follows:

A. The following Class "A" recyclables shall be collected curbside and may be co-mingled:

(1) Aluminum and tin cans, glass bottles and jars: clear, amber and green; and plastic containers Nos. 1 through 7.

(2) Newspapers, cardboard (corrugated and chipboard), magazines and brown bags, desktop paper shall be bundled and tied and at curbside.

B. All reusable containers containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 p.m. of the day immediately preceding the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

C. All receptacles or dumpsters shall be maintained in a clean and safe manner.

§ 398-4. Residential dwelling compliance requirements.

The owner of any property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

§ 398-5. Nonresidential establishment compliance requirements.

A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this chapter.

B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

C. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed for inspection by any code enforcement officer.

§ 398-6. New developments of multifamily residential units or commercial, institutional, or industrial properties.

Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c:

A. Any application to the Planning or Zoning Board of the Township of Fredon, for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

(1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and

(2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.

B. Prior to the issuance of a certificate of occupancy by the Township of Fredon, the owner of any new multifamily housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

§ 398-7. Prohibition of collection of solid waste mixed with recyclable materials.

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this chapter and the local sanitary code.

C. Once placed in the location identified by this chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§ 398-8. Enforcement.

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Sussex County Department of Health are hereby individually and severally empowered to enforce the provisions of this chapter. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 398-9. Violations and penalties.

A. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this chapter or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than $250, nor more than $1,000. Each day for which a violation of this chapter occurs shall be considered a separate offense.

B. Fines levied and collected pursuant to the provisions of this chapter shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Moneys in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

Chapter 406

SCHOOL

ARTICLE I
False Registration

§ 406-1. Unlawful registration or enrollment.

§ 406-2. Unlawful residence-designating documents.

§ 406-3. Restitution; violations and penalties.

§ 406-4. Restitution may convert to lien.

[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
False Registration
[Adopted by Ord. No. 2005-05 (Sec. 3-13 of the 1972 Revised General Ordinances)]

§ 406-1. Unlawful registration or enrollment.

It shall be unlawful for any person over the age of 18 to assist, aid, abet, allow, permit, suffer or encourage a student to register or enroll in the Kittatinny Regional High School District and the Fredon Township School District as if a resident of the Township of Fredon when the student is ineligible to attend.

§ 406-2. Unlawful residence-designating documents.

It shall be unlawful for any person over the age of 18 to knowingly permit his or her name, address or other residence-designating documentation to be falsely utilized in the registration or enrollment of any nonresident student as if a resident of the Township of Fredon in the Kittatinny Regional High School District and Fredon Township School District.

§ 406-3. Restitution; violations and penalties.

Any person violating or failing to comply with the provisions of this section shall, upon conviction thereof, be sentenced to make restitution to the Township of Fredon or the Fredon Township Board of Education or the Kittatinny Regional High School Board of Education and pay a fine of not more than $1,000. In determining the amount of restitution, the Court shall include the amounts incurred by the Township of Fredon and/or the Township of Fredon Board of Education, including but not limited to tuition, costs, investigation expenses and attorneys' fees.

§ 406-4. Restitution may convert to lien.

Restitution ordered by the Fredon Township Municipal Court may be converted into a lien against the property of the offending party.

Chapter 412

SEWAGE DISPOSAL SYSTEMS, INDIVIDUAL

§ 412-1. Adoption of Individual Sewage Disposal System Code.

§ 412-2. Public record.

§ 412-3. Permit required.

§ 412-4. Hearing upon denial of permit.

§ 412-5. Halting work for violation.

§ 412-6. Fees.

[HISTORY: Adopted by the Board of Health of the Township of Fredon 4-6-1970 (Ch. BH-IV of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 245.

Water — See Ch. 531.

§ 412-1. Adoption of Individual Sewage Disposal System Code.

A. A code regulating the location, construction, use, maintenance and method of emptying or cleaning individual sewerage disposal systems, the issuance of permits to locate, construct, empty or clean the systems and fixing penalties for the violation thereof is hereby adopted pursuant to N.J.S.A. 26:3-69.1 et seq. A copy of the Code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

B. The Code established and adopted by this chapter is described and commonly known as the "Individual Sewage Disposal System Code of New Jersey (1963)."

§ 412-2. Public record.

Three copies of the Individual Sewage Disposal System Code of New Jersey (1963) have been placed on file in the office of the secretary of the Board of Health and will remain on file for the use and examination of the public.

§ 412-3. Permit required.

A. Permit to locate. **[Amended by Ord. No. BH:1-76]**

(1) No person shall locate, construct or alter any individual sewage disposal system until a permit for the location, construction or alteration of the sewerage disposal system shall have been issued by the Board of Health.

(2) The Board of Health may issue a permit for one year to locate, construct or alter an individual sewerage system if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the individual sewerage system as proposed is in compliance with the Code.

(3) In the event a permit to operate has not been issued, as hereinafter set forth, within one year from the date the permit to locate is issued, the permit to locate shall terminate and a new application shall be filed for a new permit to locate.

B. Permit to operate.

(1) New individual disposal systems shall not be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied, which must rely on such a system for sewerage disposal, until the Board of Health shall have issued a certificate indicating that the disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificate shall not be required for alterations to an existing individual sewerage disposal system.

(2) The Board of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Board of Health that the disposal system has been located and constructed in accordance with the terms of the permit issued and the requirements of the code.

C. Permit to empty.

(1) No person shall engage in the business of emptying or cleaning septic tanks, cesspools, privies or any place used for the reception or storage of human excrement who does not hold a license to engage in such business issued by the Board of Health. Such licenses shall be valid for a period of one year from the date of issuance but may be renewed by the Board of Health. The license may be revoked for failure of the licensee to comply with the provisions of the Code, or any rule or ordinance of the Board of Health.

(2) The contents of any septic tank, cesspool, privy or other receptacle containing human excrement shall not be removed until a permit for such removal has been obtained from the Board of Health.

§ 412-4. Hearing upon denial of permit.

In case any permit or certification required by this chapter is denied by the Board of Health, a hearing shall be held thereon before the Board within 15 days after request therefor is made by the applicant and upon such hearing the Board of Health shall affirm, alter or rescind its previous determination and take action accordingly within 15 days after the date of such hearing.

§ 412-5. Halting work for violation.

The Board of Health may order all further work in and about any individual sewerage disposal system, which is being erected or installed in violation of the Code to be stopped, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the Code. After issuance of any such order thereof upon any person connected with or working in and about the erection or

installation of any such disposal system, or any part thereof, no further work shall be done thereon except as aforesaid.

§ 412-6. Fees. [Amended 4-1-1974; Ord. No. 97-01]

A. An individual may apply for the observation, inspection and recording of a soil log by the Board of Health or its authorized agent without applying for a permit to construct or alter a sewage disposal system. A fee for a site inspection plus a fee per test hole shall be charged. Fees and charges shall be as set forth in § 245-2A herein.

B. Fees and charges for this chapter shall be as set forth in § 245-2A.

Chapter 424

SITE PLAN REVIEW

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§ 424-48. Enforcement.

§ 424-49. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 8-78; amended in its entirety 11-22-2010 by Ord. No. 2010-12 (Ch. 13 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures — See Ch. 45.
Uniform construction codes — See Ch. 200.
Stormwater control — See Ch. 457.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

ARTICLE I
General Provisions

§ 424-1. Short title.

This chapter shall be known and may be cited as the "Site Plan Review Ordinance of the Township of Fredon."

§ 424-2. Purpose.

The purpose of this chapter shall be to promulgate rules, regulations and standards to formulate and guide land use control in the Township in order to effectuate and promote the public health, safety, convenience and general welfare of the Township and the inhabitants thereof. It shall be administered to ensure the orderly growth and development and the conservation, protection and proper use of land and to provide adequate provisions for circulation, utilities and services.

§ 424-3. Construal of provisions.

This chapter shall not be construed as superseding or repealing the zoning ordinances of the Township or any part thereof. All other ordinances which are inconsistent with the provisions of this chapter shall be deemed superseded to the extent of such inconsistency.

§ 424-4. Administration.

A. The approval provisions of this chapter shall be administered by the Township Planning Board and, where permitted by statute, the Zoning Board of Adjustment, in accordance with all applicable provisions of N.J.S.A. 40:55D-1 et seq.

B. In all the articles and chapters which follow, the Planning Board is named as the approving agency. However, in instances where the Zoning Board of Adjustment is the approving agency, in accordance with N.J.S.A. 40:55D-76, the procedures and requirements of this chapter shall be the same as those specified with respect to the Planning Board, except where specific reference is made to the Zoning Board of Adjustment.

§ 424-5. Activities requiring site plan approval.

A. Site plan approval is necessary to obtain a building permit for all buildings other than one family. No building permit shall be issued to any person to construct any building, to reconstruct any building such as to change its outside dimensions or entrances, to construct any addition or alter the size of any building or to move any building other than for a permitted one- or two-family residential dwelling, unless and until site plan approval has been obtained by resolution of the Planning Board.

B. Site plan approval is required to make any alterations on a site. No person shall alter any parking area, parking aisles, grades, fire lanes, slopes, manholes, traffic signs on the lot, ingress and egress roads, required planted area or required buffer area, sidewalks, drainage facilities, fencing, lighting, utility facilities, curbing or acceleration or deceleration lanes on any lot or lots other than lots used for one-family residential dwelling purposes without first obtaining site plan approval by resolution of the Planning Board. However, minor alterations for maintenance, repairs or correction of drainage problems, as determined by the Township Engineer, are exempted from this requirement.

C. Site plan approval is required to change use to a different use than previously approved. No person shall change the use of any lot or building in the Township of Fredon so as to use any building or lot for a use different from the use proposed and approved previously or approved on any previous site plan application to the Planning Board without obtaining a new site plan approval by resolution of the Planning Board. This section, however, shall not apply to the use of property for a permitted one-family residential use or to a change from one kind of retail or office use to another kind of similar use not requiring more off-street parking or loading, as determined by the Zoning Officer.

§ 424-6. Site work permit.

A. No site work shall be performed, including but not limited to demolition or site clearance, until a land disturbance/construction permit is issued.

B. Upon the Township Planning Board or Zoning Board of Adjustment approving any development, the developer or his/her authorized agent or representative shall make written request (copy to the Building Department) to and obtain from the Township Engineer a land disturbance/construction permit.

C. Upon receipt by the Building Department of the land disturbance/construction permit fee, the Township Engineer shall issue a site work permit in a form prepared by the Township Engineer.

D. Every individual or entity seeking a site work permit shall pay a nonrefundable fee, as set forth in Article VIII of Chapter 45, Land Use Procedures, to the Township of Fredon along with the application for a site work permit and deliver the fee to the Building Department along with the copy of the application for a permit.

E. This section shall be enforced by the Construction Code Official, Zoning Officer, or Township Engineer of the Township of Fredon.

F. Violations and penalties.

(1) Any person or persons who violate this section shall, upon conviction for each and every violation thereof, be subject to the penalties provided by § 424-49. Whenever such violation shall continue for more than one day, each day of continued violation shall be considered a separate violation of this section.

(2) In addition to the penalty set forth in Subsection F(1) above, the Zoning Officer or the Construction Code Official may issue a notice of violation and orders to terminate, directing discontinuance of the violation.

§ 424-7. Time for decisions.

A. Failure of the Board to render a decision within the time prescribed by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. The time periods for approval shall be as follows, from the date the Board determines the application to be complete:

(1) Preliminary site plan approval:

(a) More than 10 acres or 10 dwelling units: 95 days.

(b) Ten acres or 10 dwelling units or less: 45 days.

(2) Final approval: 45 days.

(3) Combined preliminary and final approval: same as preliminary approval.

(4) Conditional use approval: 95 days.

(5) Combined application:

(a) For a conditional use permit and a site plan: 95 days.

(b) For a site plan or conditional use permit and certain zoning variances or direction of the issuance of a permit for a building not related to a street or in an area designated on the Official Map for public acquisition or use: 95 days.

(c) For a subdivision plat and/or a conditional use permit and/or site plan: the time period for approval shall be the longest time allowed for action by the Planning Board, whether it is for a subdivision, conditional use or site plan approval.

B. If an application is found to be incomplete, the applicant must be notified within 45 days.

C. If any application involves variances from lot area, use, lot dimension, setback or yard requirements, the time for action shall be 120 days.

D. All applications processed by the Zoning Board of Adjustment shall be completed within 120 days.

E. All times may be extended with consent of the applicant.

§ 424-8. Minimum standards; variances.

The rules, regulations and standards contained in this chapter shall be considered the minimum requirements for the protection of the public health, safety and welfare of the Township citizens. Any action taken by the approving agency under the terms of this chapter shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the developer or his/her agent can clearly demonstrate that, because of the peculiar conditions pertaining to his/her land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the approving agency may permit such variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

§ 424-9. Fees and deposits.

A. Fees, as set forth in Article VIII of Chapter 45, Land Use Procedures, shall be submitted with each site plan application in order to defray the cost of review of such site plan.

B. Review deposit.

(1) In addition to the filing fee, the applicant shall also deposit funds with the Planning Board Secretary to cover the cost of review services provided by the Township Engineer, Planning Consultant and other Township personnel. The amount of the deposit shall be as set forth in Article VIII of Chapter 45, Land Use Procedures.

(2) The Township shall tabulate the costs of the Planning Board or Zoning Board of Adjustment and Township Engineer, Planner, and Attorney, their staffs and any

additional expert required for a proper review and documentation. These costs shall be deducted from the engineering/planning/legal review fee deposit. Where the review costs exceed, or are anticipated to exceed, the review fee deposit, the applicant shall pay the additional amount prior to the signing of any site plan or the release of any resolution. Failure to remit the additional required deposit within 15 days of such request shall render the application incomplete, and no further proceedings or action shall be taken by the Planning Board or Zoning Board of Adjustment until after compliance. Where the review fee costs are less than the review fee deposit, the difference shall be refunded to the applicant.

C. The applicant shall estimate the costs of improvements required as part of the site plan approval by the Planning Board and shall submit same to the Township Engineer, who shall then tabulate an inspection fee deposit to cover the costs of inspection of the construction of the improvements on the site. The amount of the deposit shall be based upon the estimated costs of improvements and shall be as set forth in Article VIII of Chapter 45, Land Use Procedures. The inspection fee deposit shall be paid to the Township Clerk or such person that may be appointed as Board Secretary prior to preliminary approval of the site plan. In the event that the inspection costs are less than the inspection fee deposit, the difference shall be refunded to the applicant.

D. For purposes of determining the amount of deposit, if only a portion of the property is to be developed and such property can be further subdivided under the requirements of Chapters 470 and 550 of this Code, the lot area shall be construed to be an area which can be subdivided under the requirements of such chapters wherein all proposed buildings and improvements would meet all required setback and yard requirements. When a site plan for a new building or structure or addition thereto does not involve off-street parking, traffic circulation or drainage facilities, the amount of the deposit as it pertains to lot area shall apply only to the ground floor area of the building or structure.

ARTICLE II
Terminology

§ 424-10. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates a different meaning. For words utilized in this chapter, but not defined herein, the definitions utilized in other chapters of this Code shall apply.

APPLICANT — A developer submitting an application for site plan review.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or permit to build in a mapped area or for a structure not related to a street.

APPROVAL —

A. Preliminary site plan approval indicates that the preliminary site plan as submitted meets all requirements of applicable municipal ordinances and confers upon the applicant all of the benefits provided for in N.J.S.A. 40:55D-49.

B. Final site plan approval shall mean the official action taken on a preliminary approved site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and required improvements have been installed or guarantees properly posted for their completion or approval conditioned upon the posting of such guarantees.

DAYS — Calendar days.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

FOOTCANDLE (fc) — A unit of illuminance on a surface one foot square in area onto which there is a uniform flux of one lumen.

FOOTLAMBERT (fl) — A unit of luminance of a surface reflecting or emitting light at the rate of one lumen per square foot. The average luminance of any reflecting surface in footlamberts is the product of the illuminance in footcandles striking the surface times the reflectance of the surface.

GLARE — The sensation produced by luminance within the visual field that is efficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility.

IESNA — Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry. The IESNA is the recognized technical authority on illumination. www.iesna.org.

ILLUMINANCE — The area density of the luminous flux incident at a point on a surface, expressed in footcandles (fc). A measurement of light on the illuminated surface. Measured by a light meter placed on the illuminated surface.

ILLUMINANCE, HORIZONTAL — The illuminance on a horizontal plane, expressed in footcandles (fc).

ILLUMINANCE, VERTICAL — The illuminance on a vertical plane, expressed in footcandles (fc). Typically used to measure glare and light trespass levels. To measure vertical illuminance, the meter is held vertically, at eye level (five feet), sensor towards light source, and a reading noted in footcandles.

LIGHT TRESPASS — Any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

LUMEN — Measurement of light output. One lumen is equal to the amount of light emitted by one candle that falls on one square foot of surface located one foot away from the candle.

LUMINANCE — The quantity of light ("brightness") reflected or emitted towards an observer, expressed in lumens per square foot. Used primarily to measure internally illuminated signs. Most other applications use illuminance (footcandles).

MAINTENANCE GUARANTEE — Any security, other than cash, which may be accepted by the Township for the maintenance of any improvement required by this chapter.

MINOR SITE PLAN — The development plan of one or more lots which does not involve planned development, any new street or extension of any off-tract improvement and contains the information reasonably required in order to make an informed determination as to whether the requirements established by this chapter for approval of a minor site plan have been met and shall be limited to the following classes of development:

A. A change in use involving no building construction, other than interior modifications or interior structural alterations, and no need for additional off-street parking, lighting or drainage improvements.

B. Minor structural changes, such as entry enclosures, porticos, and other structural appurtenances, including roof appurtenances.

C. Building additions not exceeding 100 square feet in ground coverage and accessory buildings and structures not exceeding 500 square feet in ground coverage, provided that the same do not invade upon any required parking area, setback area or otherwise violate any requirements of the Township development regulations.

D. Site plans detailing development not reasonably anticipated to create impacts beyond those normally attending applications otherwise meeting the requirements of Subsections A, B, and C above.

MOTION SENSOR DEVICE — A device that will sense motion electronically and switch on security lighting for a brief duration.

OBJECTIONABLE DIRECT GLARE SOURCE — Glare resulting from excessive levels of illumination or insufficiently shielded light sources, emanating from light fixtures in the field of view where the lens, lamp or reflector is offensively visible above a height of five feet at a property line or a public roadway.

OFF-SITE — Located outside the lot lines of the lot in question but within the property of which the lot is a part which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

OFF-TRACT — Not located on the property which is the subject of a development application nor on contiguous portions of a street or right-of-way.

ON-SITE — Located on the lot in question and excluding any abutting street or right-of-way.

ON-TRACT — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OUTDOOR LIGHT FIXTURE — An electrically powered illuminating device, in place outdoors for 30 days or more, containing a total light source of more than 1,000 initial lumens

per fixture (this is greater than a single 60 watt incandescent), including but not limited to devices used to illuminate any site, architectural structure or sign.

PERFORMANCE GUARANTEE — Any security which may be accepted by Fredon Township, including but not limited to performance bonds, escrow agreements, and other similar collateral or surety agreements.

PRELIMINARY FLOOR PLANS AND ELEVATIONS — Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale, and relationship to its site and immediate environs.

SHIELDED LIGHT FIXTURE — A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90° above nadir (straight down at perfect vertical), through the light fixture's lowest light-emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

SITE PLAN — A development plan of one or more lots on which is shown:

A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways;

B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, and screening devices as required by site plan detail sections of this chapter; and

C. Any other information that may be reasonably required in order to make an informed determination, pursuant to an ordinance requiring review and approval of site plans by the Planning Board.

SKYGLOW — Luminance in the atmosphere caused by dust, water vapor, and other particles that reflect and scatter any stray lighting that is reflected or emitted into the atmosphere.

UNIFORMITY RATIO — The ratio of the brightest spot to the dimmest spot, or the ratio of the average brightness to the minimum brightness.

ARTICLE III
Preliminary Site Plan Procedure

§ 424-11. Concept plan submission.

A. A concept plan submission is required for all major site plan applications, and is highly recommended for minor site plan applications. A concept plan discussion may be held at a meeting of the Planning Board with reference to a conceptually prepared site plan of sufficient accuracy to be used for purpose of discussion. The purpose of such a discussion will be to review overall development concepts in order to assist the applicant in the preparation of subsequent plans. No decisions will be made and no formal action taken on a concept plan discussion. Discussions and recommendations shall be informal and shall not be binding on the Planning Board. The Planning Board shall have the right

to limit and control the extent, length and scope of such concept plan discussion, to regulate when it may occur, to require prior notice of a request for it and to conclude it in the interests of expediting other business or if the matters being presented, in the judgment of the approving authority, should be presented formally.

B. The Planning Board or its Site Plan Committee may review any application for development or discuss the same with the developer to determine whether the development is a major or minor site plan or other kind of development; the procedures by which such application is to be processed; and whether the application is complete. Any action taken pertaining to such concept plan submission shall be without prejudice to the rights of the parties to later proceed formally under the procedures elsewhere set forth in this chapter.

C. The concept plan shall be filed with the Planning Board Secretary as an informal concept submission and shall be accompanied by a nonrefundable fee, as set forth in Article VIII of Chapter 45, Land Use Procedures, to defer the costs of a summary review thereof by the Planning Board Attorney and Planning Board Engineer.

§ 424-12. Application requirements.

A. At least 18 black-and-white copies of the site plan together with 18 completed application forms for preliminary approval shall be submitted to the Secretary 30 days prior to the meeting of the Planning Board at which consideration is required. All development applications shall be completed in accordance with the attached checklist Forms A through J.[1] The application shall be accompanied by the required fees as set forth in Article VIII of Chapter 45, Land Use Procedures. If the applicant is not the owner of record of the title to the property which is the subject of the application, (s)he shall file a written consent, signed by the owner, consenting to the making of the application.

B. The developer shall simultaneously file 18 copies of the application with the County Planning Board for its review and recommendations, and where applicable, approval. The applicant shall furnish proof of such submission at the time of the submission of this application to the municipal Planning Board by presenting a copy of this site plan with an indication from the County that it has been filed with them. Any application for site approval shall not be deemed complete in the absence of proof that it has been filed with the County Planning Board. If the County Planning Board has failed to grant or deny approval of the site plan at the time of preliminary approval of the applicant's application, such preliminary approval shall be conditioned on approval of the site plan by the County Planning Board.

C. The applicant may submit such site plan and accompanying information in final form and may request final approval concurrently with preliminary approval, which request may be granted by the Planning Board if the data required for final approval under Article IV of this chapter hereunder is found to be complete and satisfactory.

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1. **Editor's Note: Said forms are included at the end of Chapter 470, Subdivision of Land.**

D. The Board shall review the submission for completeness in accordance with Forms A through J,[2] and shall accept or reject the submission as a complete application within 45 days of such submission. If the application is incomplete, the application shall be returned to the applicant and the Board shall state the reason for such rejection.

§ 424-13. Notice of hearing.

If the submission is accepted as complete, a date for the public hearing shall be set and the applicant shall notify all persons entitled to notice of the hearing on the application in accordance with the provisions of the land use procedures chapter of this revision and N.J.S.A. 40:55D-12. If the Planning Board requires any substantial amendment in the site plan proposed by the developer that has already been the subject of a hearing, an amended application shall be submitted and proceeded upon as in the case of the original application for development, including the giving of notice in accordance with the provisions of N.J.S.A. 40:55D-12.

§ 424-14. Forwarding of copies.

Copies of the site plan application and accompanying documents shall be forwarded by the applicant prior to the hearing to the following persons:

A. Township Planning Consultant.

B. Township Engineer.

C. Township Board of Health.

D. Such other Township, county or state officials, as directed by the Planning Board.

E. If the property which is the subject of the development application lies within 200 feet of another municipal boundary, a copy of the plat shall be sent by the applicant to the Secretary of the Planning Board of the adjoining municipality and proof thereof submitted to the Planning Board Secretary. A written statement shall be requested from the adjoining municipality indicating whether the proposed site plan of the Township of Fredon is in reasonable harmony with its plans for development. The Secretary of the Planning Board of the adjoining municipality should be informed of the date of the public hearing and any communications received prior to this date shall be considered in relation to the approval or disapproval of the plan.

§ 424-15. Application amendments; revised plats.

A. After the initial submission of an original application and preliminary site plan plat, which shall be submitted and filed in accordance with § 424-12 above, in the event the applicant desires or is required to prepare revisions to the originally submitted site plat and/or submit additional data or documentation in support thereof, the same shall be submitted to the Secretary of the Planning Board at least 15 working days, excluding

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2. **Editor's Note: Said forms are included at the end of Chapter 470, Subdivision of Land.**

Saturdays, Sundays, and legal holidays, prior to the work or regular meeting of the Planning Board at which consideration or review of the site plan application is expected.

B. In the event the submissions are not made in accordance with the advance filing requirements set forth hereinabove, the revisions shall not be reviewed by the Board's Engineer or Planning Consultant, nor considered by the Planning Board until the next subsequent scheduled work or regular meeting following such late submission.

§ 424-16. Approval.

A. Minor site plan approval shall be deemed to be final approval of the site plan by the Board, provided that the Board or said subcommittee may condition such approval on terms ensuring the provision of improvements in accordance with this chapter.

B. If the County Planning Board has approval authority pursuant to N.J.S.A. 40:27-12, its action shall be noted on the plat, and if disapproved, two copies of the reasons for disapproval shall be returned with the plat. If the Township Planning Board or County Planning Board disapproves a plat, the reasons for disapproval shall be stated in writing and remedied prior to further consideration. If approval is required by any other officer or public body, the same procedure as applies to submission and approval by the County Planning Board shall apply.

C. If the Planning Board acts favorably on a preliminary site plan, the Chairperson and Secretary of the Planning Board shall affix their signatures to the plat with a notation that it has received tentative approval and returned to the applicant for compliance with final approval requirements.

D. The Planning Board shall, by resolution, set forth its findings of fact and conclusions of law in support of the action taken. A copy of the action taken by the Planning Board shall be forwarded to the Township Clerk.

§ 424-17. Rights granted by approval.

A. Approval of a minor site plan shall, except as hereinafter set forth, confer upon the applicant the following rights for a two-year period from the date on which the resolution of approval is adopted:

(1) That the zoning requirements and general terms and conditions, whether conditional or otherwise, on which minor site plan approval was granted shall not be changed.

(2) That the Planning Board shall grant an extension of this period for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals.

(3) A developer shall apply for this extension before: what would otherwise be the expiration date; or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

B. Preliminary approval of a major site plan shall, except as hereinafter set forth, confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:

(1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements, layout and design standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements, natural resources to be preserved on the site, vehicular and pedestrian circulation, parking and loading, screening, landscaping and location of structures, exterior lighting both for safety reasons and streetlighting, except that nothing herein shall be construed to prevent the Township from modifying, by ordinance, such general terms and conditions of preliminary approval as relate to public health and safety.

(2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.

(3) That the applicant may apply for, and the Planning Board may grant, extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards shall govern.

(4) In the case of subdivision of an area of 50 acres or more, the Planning Board may grant the rights referred to in N.J.S.A. 40:55D-49 for such period of time, longer than three years, as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions, and the comprehensiveness of the development. The applicant may apply for thereafter, and the Planning Board may thereafter grant, an extension of preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions, and the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards may govern.

(5) Whenever the Planning Board grants an extension of preliminary approval pursuant to Subsection B(3) or (4) above and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

(6) The Planning Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of preliminary approval, or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Planning Board from granting an extension pursuant to N.J.S.A. 40:55D-49.

ARTICLE IV
Final Site Plan Procedure

§ 424-18. Application requirements.

A. At least 18 black-and-white copies of a final plan together with 18 completed application forms for final approval shall be submitted to the Secretary 30 days prior to the meeting of the Planning Board at which consideration is required. All development applications shall be completed in accordance with the attached checklist Forms A through J.[3] The application shall be accompanied by the required fees as set forth in Article VIII of Chapter 45, Land Use Procedures. If the applicant is not the owner of record of the title to the property which is the subject of the application, (s)he shall file a written consent, signed by the owner, consenting to the making of the application.

B. In addition to the fees required above, the developer shall also pay all reasonably necessary inspection fees in connection with the construction of any improvements required under this chapter, as may, from time to time, be established by resolution of the Township Committee. Such fees shall be paid to the Township Clerk.

C. The developer, at his/her option, may submit a final site plan in stages to include only a portion of the original preliminary site plan. Approval of the final site plan for a section shall not extend the time limit of preliminary approval for the remaining sections.

D. The Planning Board shall insure that any improvements required for the site plan as a whole, which might have an adverse effect on an approved section if the remaining sections were not completed, shall be installed as a condition of approval for any section. This shall include but not be limited to open space, recreation, soil and erosion control, and similar improvements.

E. As-built plans for all site plan improvements constructed in accordance with the approvals granted shall be prepared and submitted to the Board for review and comment by the Board Engineer. The as-built plans shall include the following improvements:

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3. **Editor's Note: Said forms are included at the end of Chapter 470, Subdivision of Land.**

(1) Streets;

(2) Street signs;

(3) Streetlighting;

(4) Parking lots and access drives;

(5) Curbs and gutters;

(6) Sidewalks;

(7) Depressed curbs and ramps;

(8) Striping, including stop bars and crosswalks;

(9) Landscaping;

(10) Sanitary sewer/septic systems;

(11) Central water systems/wells;

(12) Culverts, inlets, storm drains, detention/water quality basins and structures;

(13) Gate valves, curb boxes and service lines;

(14) Underground electric, cable and telephone; and

(15) All as-built mapping to include:

(a) Plan view;

(b) Profile;

(c) Elevations of all drainage structures, including top of grate and inverts;

(d) Cross-sections of all detention and water quality basins; and

(e) Volume calculations for all detention and water quality basins.

§ 424-19. Approval.

A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for final approval and the conditions of preliminary approval have been met, provided that in the case of a planned development, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer, since the date of preliminary approval, without the developer being required to submit another application for development for preliminary approval.

B. If final approval is denied, a notice to the effect shall be made on the site plan.

C. If the Planning Board grants final approval on the final site plan, the Chairperson and Secretary shall affix their signatures to the site plan.

D. The Planning Board shall, by resolution, set forth its findings of fact and conclusions of law in support of the action taken. A copy of the action taken by the Planning Board shall be forwarded to the Township Clerk.

§ 424-20. Distribution of copies.

The Secretary of the Planning Board approving a final site plan shall cause three full sets of such site plan, together with a copy of the application, to be certified on each page with the following information showing: the date of approval, the file number, and the Chairperson and Secretary signatures. One set shall be forwarded to the applicant, one to the Zoning Enforcement Official for his/her use and one set shall be retained in the official files of the Planning Board.

§ 424-21. Rights granted by approval.

Upon final approval, such approval shall have the following effect:

A. All improvements shown on the final site plan approval plans shall be installed in accordance with the plans.

B. All standard minimum design elements required by this chapter shall be provided, whether or not they were specifically enumerated in the site plan approval and whether or not the plan approved indicated the standard minimum design elements specifically.

C. Performance and maintenance bonds may be required and shall be released subject to approval by the Township Engineer and the Township Committee.

D. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to N.J.S.A. 40:55D-49, whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted. If the developer has followed the standards prescribed for final approval, the Planning Board may extend such period of protection for extensions of one year, but not to exceed three extensions.

E. In the case of a site plan for a planned development of 50 acres or more, conventional site plan for 150 acres or more, or site plan for development of a nonresidential floor area of 200,000 square feet or more, the Planning Board may grant the rights referred to in paragraph N.J.S.A. 40:55D-52a. above for such period of time, longer than two years, as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions, and the comprehensiveness of the development. The developer may apply for thereafter, and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of

dwelling units and nonresidential floor area remaining to be developed, economic conditions, and the comprehensiveness of the development.

F. Whenever the Planning Board grants an extension of final approval pursuant to Subsection D or E of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

G. The Planning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before what would otherwise be the expiration date of final approval, or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsections shall not preclude the Planning Board from granting an extension pursuant to N.J.S.A. 40:55D-52a,b.

H. No changes shall be made with respect to any of the construction and implementation of all improvements shown on the site plan or required by ordinance or required by the terms and conditions of any site plan approval and by the terms and conditions, if any, of any variance granted. However, the Planning Board may permit a deviation from the approved final site plan if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the Master Plan or Chapter 550, Zoning.

I. Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a building permit, zoning permit or certificate of occupancy, as the case may be, shall be grounds for the revocation of any building permit, zoning permit or certificate of occupancy, as the case may be. A written notice of revocation sent by certified mail by the Zoning Officer or Building Inspector, as the case may be, shall specify the conditions of site plan approval which have been violated and such revocation shall effectively terminate the validity of any building permit, zoning permit or certificate of occupancy theretofore issued.

J. Revision and amendment procedures shall be the same as specified for preliminary site plans in § 424-15 of this chapter.

ARTICLE V
Environmental Impact Statement

§ 424-22. Required.

A. In order that the Planning Board may assess the impact of a proposed development upon the natural environment, particularly with respect to potable water, pollution of all kinds,

flooding and waste disposal, the application for site plan review shall be accompanied by an environmental impact statement which shall contain information and analysis covering the items hereinafter set forth. The Planning Board, as part of its plan review procedures, shall take into consideration the effect of the applicant's proposal upon all aspects of the environment, including but not limited to sewage disposal, water quality, water supply, soil erosion, preservation of trees and vegetation, protection of watercourses, protection of air resources and aquifers, and the presence of any nuisance factors. The Planning Board shall not approve any submission hereunder unless it determines and finds that the proposed development:

(1) Will not result in appreciable, harmful effects to the natural environment.

(2) Has been designed and conceived with a view toward the protection of natural resources.

(3) Will not place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.

(4) Has not been designed and/or will not be implemented so as to avoid harmful effects or negative consequences to the natural environmental which are otherwise avoidable by a reasonable alternative design.

B. The Planning Board may, upon application and for good cause, waive the requirement for an environmental impact statement, or portions thereof, or for any of the specific requirements relating thereto as set forth in this section. The Board, however, shall have the right to require any portions of the environmental impact statement that it deems necessary in order to render its decision.

§ 424-23. Contents of statement.

The environmental impact statement shall cover the following:

A. Description of development, including but not limited to contours, buildings, roads, paved areas, proposed grading or regrading, existence of natural streams, and the relationship of the premises to surrounding properties and existing utility lines shall be described.

B. Submission of the Existing Resources Map and Potential Conserved and Developed Areas Map, as required per § 550-101C(1) and (2) of Chapter 550, Zoning, as well as a statement describing how the development will impact primary and secondary conservation areas.

C. It shall be shown that either there will be no sewage runoff from the site of the proposed development, or that sewage can be disposed of through facilities adequate to preclude water pollution. Additionally, the statement shall show:

(1) Compliance with state, county and Township Board of Health regulations.

(2) If disposal is on-site, data on underlying geology, soils analysis, permeability tests for every five acres, topography, location of aquifers, depth and capacity of all wells within 500 feet of site, and any other pertinent data.

(3) If disposal is off-site, plant design capacity, monthly average flows for past 12 months, enforcement action against plant, capacity of plant to treat industrial or commercial wastes, if applicable, receiving water quality standards, stream quality data from state, federal, or private sources, stream flow (minimum average seven-consecutive-day flow with a frequency of occurrence of 10 years), local plans for sewage treatment facility, state regional planning policy (including interim basin plan), and flows expected from other approved subdivisions which are dependent upon sewage treatment facilities in question.

D. It shall be shown that an adequate potable water supply is available and not threatened by nearby use of other land. Additionally, the statement shall show:

(1) Compliance with Township, county and state regulations.

(2) If supply is from public facilities off-site, including private water companies, amount of diversion granted by the Division of Water Resources, maximum gallons of water pumped during any month, present diversion, maximum gallons of water pumped during the past 24 months, and diversions expected from other approved subdivisions which are dependent upon the present diversion granted by the Division of Water Resources.

(3) If supply is from on-site sources, realty improvements of less than 50 dwelling units: location and depth of all private and public water supplies within 500 feet of the realty improvement, location, depth and adequacy of proposed private or public water supplies to serve the proposed realty improvement, geologic description of subsurface conditions, including expected groundwater yields, using published geologic reports or report by a geologist. Realty improvements of more than 50 dwelling units: no preliminary subdivision approval until the Division of Water Resources has determined that the proposed water supply and sewage disposal facilities are adequate.

E. It shall be shown that stormwater runoff from the site is so controlled that on-site and off-site erosion is neither caused nor worsened, and that potential of downstream flooding is not increased. The following information shall be required:

(1) Volume of stormwater runoff now existing from site and volume to be generated by new improvements.

(2) Data on landscaping, vegetation map, tree and ground cover, existing on site compared with that proposed.

(3) Changes of runoff to be caused by change of such landscape and all roofs and paved surfaces.

(4) Plans for disposition of stormwater whether by retention on site or means of channeling so as to protect downstream property.

(5) In the case of streams having a drainage area exceeding 1/2 square mile, an encroachment permit shall be required from the Division of Water Resources for fill or diversion of a water channel, alteration of a stream, repair or construction of a bridge, culvert, reservoir, dam, wall, pipeline or cable crossing.

(6) Description of potential flood damages, including a summary of flood stages from state and federal sources.

(7) Submission of a sediment and soil erosion control plan drawn in accordance with the guidelines and standards adopted from time to time by the County Soil Conservation District.

(8) A plan for solid waste disposal by means of a facility operating in compliance with the State Sanitary Code.

(9) It shall be shown that no visible smoke or deleterious chemical changes are produced in the atmosphere by heating or incinerating devices or by any processing of materials.

(10) Critical impact areas.

(a) Plans shall exclude any area, condition or feature which is environmentally sensitive, or which, if disturbed during construction, would adversely affect the environment.

(b) Critical impact areas include, but shall not be limited to stream corridors, streams, wetlands, estuaries, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, mature strands of native vegetation, and aquifer recharge and discharge areas.

(c) Plans shall include the following information:

[1] A statement of impact upon critical areas and of adverse impacts which cannot be avoided.

[2] Environmental protective measures, procedures and schedules to minimize damage to critical impact areas.

[3] A list of all licenses, permits and other approvals required by Township, county or state law and the status of each.

[4] A listing of all adverse environmental impacts (especially irreversible damage) that cannot be avoided.

[5] An assessment of the environmental impact of the project.

[6] A listing of steps proposed to minimize environmental damage to the site and region during construction and operation.

ARTICLE VI
Review Criteria and Standards

§ 424-24. Review criteria and standards.

In reviewing any site plan, the Board shall consider the following criteria, standards and objectives:

A. Compliance with all zoning ordinances and the objectives of the Master Plan of the Township of Fredon.

B. That adequate provision has been made in the proposed plan for:

(1) Environmental elements. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil, and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.

(2) Buffer zones. Buffering shall be located around the perimeter of the site to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering may consist of fencing, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the stated objectives.

(3) Stormwater control systems. Site plans which meet the definition of "major development" as defined in Chapter 457, Stormwater Control, shall submit a site development stormwater plan meeting all standards set forth in the Residential Site Improvement Standards (RSIS) and/or the requirements of Chapter 457, Stormwater Control, as applicable.

(4) Storm drains and waste disposal. Storm drainage, sanitary waste disposal, water supply, and solid waste disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, both on-site and off-site, to adequately carry runoff and sewage, and to maintain an adequate supply of water at sufficient pressure.

(5) Landscaping. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking, and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art, and the use of building and paving materials in an imaginative manner.

(6) Water utility systems. Water utility systems, where proposed, shall be designed in accordance with the provisions of N.J.A.C. 7:10 (commonly known as the "Safe Drinking Water Act regulations") and § 470-39 of Chapter 470, Subdivision of Land.

(7) Buildings and parking areas. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection,

impact on surrounding development, and contiguous and adjacent buildings and lands.

(8) Traffic. Pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision site between buildings and between buildings and vehicles. The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

(9) Lighting. Adequate lighting shall be provided in accordance with § 424-30 of this chapter to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Directional lights shall be arranged so as to minimize glare and reflection and ambient light on adjacent properties.

(10) Signs. Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs on the site, and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.

(11) Solid waste disposal. Solid waste disposal shall be adequate to insure freedom from vermin and rodent infestation. All disposal systems shall meet Township specifications as to installation and construction.

(12) Such other information as the Planning Board shall deem necessary in order for it to make a determination, pursuant to statutes and ordinances.

C. The Planning Board shall find the following facts and conclusions before approving any planned development established under Chapter 550, Zoning:

(1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to the Municipal Land Use Law of New Jersey.

(2) That the proposals for maintenance and conservation of the common open space are reliable, and that the amount, location and purpose of the common open space are adequate.

(3) That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.

(4) That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

(5) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

ARTICLE VII
Required Improvements

§ 424-25. General requirements.

A. The following items shall be provided and set forth on any proposed site plan. These items shall be installed as shown and in accordance with any site plan approved after the effective date of this chapter. These items shall be considered as required, whether or not they have been listed as specific conditions in connection with any resolution of the Planning Board for site plan approval and whether or not the plans approved show the item, its dimensions or composition, except when they have been specifically waived by the Planning Board for good cause.

B. The detailed standards and specifications applicable to the items listed below shall be those adopted by the Planning Board with the concurrence of the Township Engineer. Any such standard or specification shall be subject to a waiver by the Planning Board for good cause.

§ 424-26. Curbing and sidewalks.

A. Poured-in-place Portland cement concrete or Belgian block curbing is required along the perimeters of any interior planted area and on the interior side of any required buffer area. Curbing in any other areas on the site shall also be poured-in-place Portland cement or Belgian block. Barrier-free ramps for the handicapped shall be provided as required by law.

B. Concrete sidewalks shall be provided along the perimeter of the building adjoining a driveway or parking area, except loading areas, which shall be designed for the purpose of protecting the building and of sufficient size to provide for safe and sufficient ingress and egress for pedestrians going to, from and about the building. The Planning Board may, in its discretion, not require portions of the perimeter to have sidewalks where the same would serve neither of the aforementioned objectives. The applicant may provide or the Planning Board may require a planted area between said perimeter sidewalks and the building or buildings. All concrete sidewalks shall be of poured-in-place Portland cement.

C. Other materials may be permitted by the Planning Board for curbs and sidewalks, where determined to be equally or more durable and visually appropriate.

D. The Planning Board may require sidewalks for pedestrian safety in the parking areas of the lot and also to discourage uncontrolled cross-traffic so as to encourage the directing of the flow of traffic within the circulation system, aisles and driveways on the plan.

E. Concrete sidewalks shall be reinforced, and be constructed in accordance with the latest requirements of the RSIS and NJDOT standards.

F. Concrete curb and Belgian block curb shall be sized and constructed in accordance with the latest requirements of the RSIS and NJDOT standards.

G. In the event there is a conflict between the RSIS and NJDOT standards with regards to curbing and sidewalk construction, the more restrictive standards shall apply.

§ 424-27. Architectural screening of mechanical equipment.

Architectural screening of any mechanical equipment on the roof or outside of any building shall be installed so as to screen the mechanical equipment from view. "Architectural screening," for purposes of this provision, shall be deemed to mean the use of the metal, stone or other relatively maintenance-free material in the slats or other design so as to screen and prevent the direct view of the mechanical equipment. The term "mechanical equipment" includes any fans, air-conditioning equipment, compressors, heating equipment and any other equipment of any kind.

§ 424-28. Discarded materials.

A. Discarded material shall be screened and kept within limited confines. Any trash, refuse or discarded material or any combination thereof shall be enclosed and screened in any manner approved by the Planning Board, provided that the same is designed to effectively confine the material within the enclosed area and screen the same from other areas outside the building and is of a material that is not likely to create problems of maintenance, sanitation and nuisance.

B. All organic garbage and similar discarded material shall be kept refrigerated within the building to not more than 40° F. in closed containers until it is removed from the site.

C. If the applicant does not propose any outside storage of said materials, the plan shall so indicate. The applicant shall not thereafter store any of said materials outside of the building unless a plan is submitted to and approved by the Planning Board for said purpose.

§ 424-29. Fencing.

The site plan shall show the location, specifications and height of any fencing required under any ordinance of the Township of Fredon and of any other fencing proposed by the applicant. The Planning Board may require additional fencing for reasons of traffic or pedestrian safety in connection with the particular problems associated with the property under consideration and its proposed use. The height of any fencing shall be not greater than six feet nor less than 2 1/2 feet, except that fences up to 10 feet in height may be permitted or required by the Planning Board where determined to be needed. The Planning Board may require fencing between the site and any property in any residential zone and, in addition, in any area on the lot where the addition of a fence would serve the purposes and objectives set forth in Article VI of this chapter.

§ 424-30. Outdoor lighting.

A. Exemptions.

(1) This section shall not apply to the following:

(a) Decorative holiday lighting from November 15 through January 15.

(b) Lighting required by law to be installed on surface vehicles.

(c) Temporary emergency lighting.

(d) Temporary lighting other than security lighting at construction projects.

(e) Outdoor temporary fixtures emitting less than 1,000 lumens, except that all lights must meet the requirements of Subsection G(1)(b), regarding lights in setbacks and the number of lights permitted.

(2) Nothing herein shall be interpreted to prevent shielded security lighting to remain on all night, as well as lighting on facilities open 24 hours per day, including display, sign and advertisement lighting. Thus, facilities such as hospitals, active transportation centers, and twenty-four-hour convenience stores may light all night, though they must meet illumination and spill/trespass requirements.

B. Height of lights.

(1) Height of a light fixture shall be measured from ground level to its highest point and shall include the base.

(2) Maximum height shall be 20 feet, but in no case higher than the principal building(s), provided fixture is attached to the principal building. All such fixtures shall be downward facing and be shaded so as to eliminate excessive fugitive light.

C. Fugitive light. To control light trespass onto adjacent properties or streets, the maximum vertical illumination, when measured at a point five feet within the adjacent property line at a height of five feet and facing the light fixture(s), shall be no greater than 0.1 vertical footcandles.

D. Plan requirements. All site plans shall include a lighting plan containing the following:

(1) The location and description of every outdoor lighting fixture and hours of operation, their aiming angle and mounting heights.

(2) A description of the outdoor light fixture including specifications such as lamps, optics, cutoff angle, supports, poles and manufacturer's catalog cuts for each type.

(3) Foundation details for light poles.

(4) A schedule providing for the reduction of on-site lighting during the hours when the facility is not in operation to the levels necessary for security purposes.

(5) Maintained horizontal illuminance, in footcandles (after depreciation) including the following:

(a) Maximum.

(b) Minimum.

(c) Average during operating and non-operating hours.

(d) Maximum-to-minimum ratio.

(6) A computer-generated photometric grid showing the light distribution pattern in footcandle readings across the site and at the property line, at ten-foot intervals.

E. Construction. All lighting fixtures and mounting structures shall be constructed in compliance with applicable construction codes.

F. Nonresidential uses.

(1) General requirements.

(a) Lighting colors and fixture types shall be consistent throughout the site and shall complement the architectural theme and landscaping of the site. Lighting levels shall comply with IESNA illuminance recommendations.

(b) Light sources shall be shielded light fixtures as described in Article II, Terminology, of this chapter. Light fixtures shall not be aligned or focused to illuminate above the horizontal plane, except for fixtures described in Subsection C below.

(c) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall only use a narrow cone of light that will not extend beyond the illuminated object. In the case of flags that can move in the wind 360° around the pole, the beam angle shall be based on a circle having a radius equal to the width of the flag, except that flags having a width of 12 feet or more shall not be illuminated by a beam with a radius greater than 2/3 of the width of the flag.

(d) Nonessential outdoor lighting fixtures, including display lighting, shall be reduced or turned off within one hour after the close of business. Nonessential outdoor lighting fixtures, including display lighting, which are not turned off at the close of business, shall be reduced or turned off by means of a timer within one hour after the close of business.

(e) All outdoor lighting fixtures, once properly installed, shall be permanently affixed in the approved position.

(f) The following lighting used for advertising or promotion shall be prohibited:

[1] Search lights.

[2] Laser lighting.

[3] Lights that pulse, flash, rotate or simulate motion.

[4] Lights that simulate traffic control signals.

[5] Tower lighting (unless required by the FAA).

(g) All lighting shall be subject to a postdevelopment inspection to determine compliance with approved lighting requirements and verify operation of the lights.

(2) Building facade lighting.

(a) With the exception of structures that have exceptional symbolic significance, such as places of worship or public buildings of historical significance, building facades and other vertical structures shall not be illuminated, beyond the lighting permitted in Subsection F(1) above.

(b) Where such exterior building or vertical structure illumination is permitted, it shall be approved by the Board, based on the following standards:

[1] The maximum illumination on any vertical surface or angular roof structure shall not exceed five footcandles.

[2] If the building surface is lighted, fixtures shall be mounted on the building itself. (No lighting fixture shall be directed toward adjacent streets.)

[3] Ninety percent of the light shall be confined to the intended structure.

(3) Sign lighting.

(a) Illuminated building identification, other signs or advertisements shall be illuminated by shielded light fixtures mounted above the area to be lit. Off-site illuminated signs shall not be permitted.

(b) IESNA illuminance and/or luminance recommendations shall not be exceeded.

(4) Landscaping. Where landscaping is to be illuminated, the Board shall first approve a landscape lighting plan. The plan must demonstrate that the light generated will be confined to the landscaping. A timer shall control all such landscape lighting to turn off one hour after close of business.

(5) Parking areas. Lighting within parking areas shall conform to the requirements set forth in § 424-32J below.

G. Residential uses.

(1) General requirements.

(a) Existing outdoor light fixtures that cause objectionable glare may be adapted to comply with this chapter by adding a properly designed hood or shield, or by reaiming the fixture.

(b) Outdoor light fixtures shall not be located within the side yard setbacks or within the rear yard setbacks or 20 feet of the rear property line, whichever is less. The total number of exterior lamps located in front of the house (defined as including the front facade of the main house and extending outward to the

front property line) shall be no more than 10 outdoor light fixtures, and the total number on the entire property shall be less than 15.

(2) Security lighting. Security lighting shall be controlled and activated by infrared sensors, motion sensors or a security alarm system.

(3) Decorative lighting.

(a) Whenever practicable, accent, architectural or building lighting shall be directed downward onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building/object edge.

(b) Any accent, architectural or building lighting shall be turned off by 11:00 p.m.

(c) Spotlighting on landscaping and foliage shall be confined to the target landscaping as much as possible and conform to the limitations/definition of objectionable direct glare source and be turned off by 11:00 p.m.

H. Agricultural uses.

(1) Lighting on farms shall in general conform to the provisions listed under Subsection G above. However, some farm activities require outdoor lighting which differs from what would typically be installed on a residential property.

(2) Farm activities such as farm stands, Christmas tree farms, and agritourism, when they involve the entry onto the property of members of the public after dark, require adequate lighting for the outdoor areas used by employees, farmers and customers. Appropriate fixtures should be provided for parking lots, walkways, display/sales areas and other facilities in use after dark in connection with the activity. The provisions listed in § 424-32J may be used as a guide in providing such lighting. Due to the seasonal nature of many such activities, fixtures may be either permanent or temporary installations, but in both instances shall be shielded. Such lighting shall have directional and glare control features, to comply with light trespass requirements, and shall be turned off at the close of business.

(3) Certain farm operations, such as harvesting, maintenance, loading and unloading of equipment, and care of large animals may take place during night hours and require appropriate outdoor lighting. Such lighting shall be shielded, shall have directional and glare-control features to comply with light-trespass requirements, and shall be turned off when the activity is completed. Devices to control glare or light trespass situations for seasonal or short-duration farm uses do not need to be commercially approved products. For example, a self-manufactured shield made from a clamp and a piece of sheet metal or opaque plastic would suffice so long as it controlled glare and light spillage and was strong enough to stay in position. Some activities, such as bringing large animals in from pasture at night, may require lighting, which is less than optimally shielded, but should be directed so as to avoid spillage onto neighboring properties.

I. Recreational and sports facilities.

(1) Recreational and sports facility lighting shall be shielded whenever possible. Such lighting shall have directional and glare-control devices, when necessary, to comply with light trespass requirements.

(2) All lighting for sports or recreational facilities, excluding security lighting, shall be equipped with automatic timing devices to turn off the lighting within one hour of the end of sports activity or the established closing time of the facility.

J. Roadway lighting.

(1) General requirements.

(a) Roadway lighting will occur at the discretion of the designated municipal entity when it provides a valid public benefit. Roadways shall only be illuminated after demonstration that passive devices (reflective signs, shoulder markers, center/shoulder lines, etc.) are insufficient.

(b) Streetlight types: All new and replacement streetlights, including decorative streetlights, shall be shielded light fixtures.

(2) Illuminance levels.

(a) Partial streetlighting. Partial streetlighting shall not exceed IESNA levels for average illumination.

(b) Continuous streetlighting. Average IESNA illuminance recommendations shall not be exceeded. IESNA average to minimum illuminance uniformity ratios shall be used as a guide for designing safe and adequate roadway lighting.

K. Notifications. Any developer constructing new single-family dwellings in the Township shall provide home purchasers with a copy of the lighting provisions of Chapter 550, Zoning, which addresses lighting standards for single-family dwellings.[4]

L. Enforcement. Residential lighting may be enforced on the basis of a valid, formal complaint filed in writing with the Code Enforcement Officer.

§ 424-31. Paving and grading.

A. All off-street parking areas, other than agricultural and residential parking areas, shall be paved with a minimum two-inch thick bituminous concrete surface course, three-inch thick bituminous stabilized base, and four-inch thick dense graded aggregate. Such paved areas shall be approved by the Township Engineer.

B. All residential parking areas shall be paved and constructed in accordance with the following requirements:

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4. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

(1) Unless otherwise required hereafter, parking areas and/or driveways shall be paved with a minimum two-inch thick bituminous concrete surface course and four-inch thick dense graded aggregate.

(2) The grade of any driveway shall not exceed 15% at any point along its length. The first eight feet of the driveway, measured from the street line, shall not exceed a grade of 8% and shall not exceed 8% in grade within 12 feet of the garage, if any.

(3) The side slopes of driveways shall be topsoiled four inches thick, seeded, fertilized and mulched to prevent erosion.

C. A parking area shall be so drained so as to dispose of all surface water that falls thereon.

D. A parking area shall have minimum grade of 1% and a maximum grade of 8%.

E. Where possible, driveway intersections with any roadway shall not have a grade that exceeds 1 1/2% from the roadway curbline for a minimum distance of 35 feet from the curbline and measured along the center line of the driveway or the center of the driveway if there is no center line.

§ 424-32. Off-street parking and loading areas.

A. Markings. All parking and loading spaces shall be appropriately marked with painted lines.

B. Access. All parking areas shall provide for adequate ingress and egress and safe and convenient traffic circulation. Access drives and aisles shall be of sufficient width to permit safe access to parking spaces and safe traffic movement.

C. Screening. The off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential zone by a fence or wall not less than four nor more than six feet in height, maintained in good condition, provided that a screening, hedge or other natural landscaping may be substituted for the required fence or wall if approved by the Planning Board. The fence, as required by this section, may be waived by the Planning Board if, in the Board's judgment, because of topographic or other unusual conditions, such fence is not necessary to screen adjoining residential property.

D. Location. Except as hereinafter provided, off-street parking as required for any use shall be provided on the same lot with the use.

E. Use. Off-street parking areas shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted on the parking lot nor shall such lots be used for the parking of disabled, dismantled, inoperable or unregistered vehicles.

F. Signs. No signs other than "entrance," "exit," or conditions of use signs shall be maintained.

G. Curbing. Parking areas shall be closed by concrete curbing six inches above the paved surface and, unless otherwise required by this chapter, located at least five feet from any

property line or nearest structural wall of a building, except that on commercial property in the MUMD zone, parking areas may be constructed up to the property line which abuts a parking area on the commercial property, and further provided that proper access and circulation between the two parking areas shall be provided. The requisite cross easements shall be established, reviewed by the Board professionals and recorded.

H. Aisles.

(1) All parking areas shall be designed with service aisles to meet the following standards:

Type of Parking	Width of Aisle (feet)
Parallel	12
30° angle	12
45° angle	13
60° angle	18
90° angle	24

(2) In addition, there shall be a minimum distance between parallel parking spaces of six feet when found necessary to provide convenient access.

I. Landscaping. All portions of the property not used for off-street parking shall be attractively landscaped with grass lawns, trees and shrubs, as approved by the Planning Board, provided that no such plantings shall be permitted to obstruct the requisite intersectional sight distances.

J. Lighting.

(1) Parking lots. Parking lot lighting shall provide adequate illumination and minimize glare and light trespass. Parking lot lighting shall meet the following illumination standards:

Parking Lots	Basic[1] (fc)	Enhanced Security (fc)
Minimum horizontal illuminance[2]	0.2	0.5
Average horizontal illuminance[3]	1.0	2.5
Uniformity ratios (horizontal illum.)[4]		
Average to minimum	5:1	5:1
Maximum to minimum	20:1	15:1
Minimum vertical illuminance[5]	0.1	0.25

NOTES:

1 For typical conditions. The illuminance of parking facilities should be turned off or reduced to security-only levels, during periods of nonuse. The minimum (low point) value should not be less than 0.1 horizontal footcandle in susceptible areas of the property. Reductions should not be applied to facilities subject to intermittent night use.

2 Measured on the parking surface, without any shadowing effect from parked cars or trees.

3 Average horizontal illuminance shall not exceed 2.5 footcandles.

4 Uniformity ratios are to be used as a guide.

5 Measured at 5.0 feet above the parking surface at the point of lowest illuminance, excluding facing outward along the property lines.

(2) Parking garages. Parking garage lighting shall not exceed IESNA illuminance and uniformity recommendations.

K. All off-street parking areas shall be subject to the approval of the Planning Board to insure their adequacy, relation to traffic safety and protection of the adjacent properties.

L. Handicapped parking.

(1) In any space on any public or private property appropriately marked for vehicles for the physically handicapped, pursuant to N.J.S.A. 39:4-197.5, N.J.S.A. 52:27D-119 or any other applicable state regulations, such space shall be occupied only by a vehicle operated by a handicapped person or in which a handicapped person is a passenger.

(2) Any person parking a motor vehicle in a restricted handicapped parking space without a special vehicle identification card shall be liable to a fine of $100 for the first offense and for subsequent offenses a fine of at least $100 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.

§ 424-33. Traffic control devices.

All traffic markers, traffic signs, traffic signals and traffic control devices on all sites in any business zone and all sites in all zones other than one-family residential use shall be constructed, erected, delineated and maintained in accordance with the standards, regulations and requirements set forth in the Manual on Uniform Traffic Control Devices prepared by the United States Department of Transportation, Federal Highway Administration (1971), as the same now exists and as the same may from time to time be interpreted and amended.

§ 424-34. Water, sewage and drainage facilities.

A. Water mains and all components of public water systems shall be properly designed and constructed to be able to supply all present and future development demands. All

components of the public water system shall be designed in accordance with all applicable NJDEP and Township requirements.

B. Storm drainage, culverts, detention basins, and all other storm drainage installations and appurtenances shall be designed and constructed in accordance with NJDEP and Township stormwater management rules and regulations.

C. Sanitary sewer facilities shall be constructed and installed in accordance with plans and specifications as approved by the Sussex County Health Department and NJDEP, as applicable. The plans and specifications for the sanitary sewer facilities shall be prepared in accordance with all applicable codes and requirements, including but not limited to NJDEP and RSIS. The construction and installation of sanitary sewer facilities shall be subject to inspection and approval by the Township Engineer. No underground sanitary sewer installation shall be backfilled and covered until it is inspected and approved, and a photographic record thereof is made by the Township Engineer.

D. The Planning Board may require as part of the site plan approval that the applicant or owner dedicate to the Township of Fredon an easement for access to any sewer pipe that is under or to be placed under any portion of the lot under construction for site plan approval. Such easements shall be a minimum of 20 feet wide for sanitary sewers that are not more than 15 feet deep. For sewers that are more than 15 feet deep, easements shall be a minimum of 30 feet wide.

E. It is required that the applicant or owner dedicate to the Township of Fredon a drainage easement or a brook drainage easement if the site is to contain an open channel for drainage, any brooks or any drainage pipes or facilities. All drainage easements, except for brook drainage easements, shall be not less than 20 feet wide for access to any storm sewer pipe that is under or to be placed under any portion of the lot under consideration for site plan approval. A drainage easement for a brook shall be for the area of the brook itself on the applicant's property and for a width on the applicant's property that is sufficient to provide a minimum of 10 feet of approximate level ground parallel with the brook to work within for brook clearance of the removal of obstructions in the brook or on its bank. The Township may require a greater width if it is reasonably required for access and maintenance in easement area or if the State of New Jersey or any of its agencies or the County of Sussex requires a greater width.

F. Any sewer or drainage easement shall be in writing and in recordable form and provide the Township with the right, but not the obligation, to enter upon the easement area at the Township's option to repair or maintain the sewer pipe and facilities within the easement area. The easement shall also contain a provision prohibiting the construction of any building or other structure on or over the sewer easement. The easement shall also contain a provision permitting the owner of the property to reroute the sewer or drainage easement in the future with the approval of all the agencies having jurisdiction thereof, provided also that a sewer or drainage sewer easement replacing the original easement is conveyed to the Township of Fredon. The form of the easement in every case shall be such that is in form satisfactory to the Planning Board, the Township Attorney and the Planning Board Attorney.

§ 424-35. Utilities.

Prior to the granting of final approval, the developer shall have arranged with all serving utilities, including, without limitation, electric, gas and telephone utilities, for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of final approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; provided, however, that the Planning Board, in its sole discretion, may permit developments on lots which abut existing streets where overhead utility distribution supply lines have theretofore been installed on any part thereof to be supplied with electric and telephone service from such overhead lines or extensions thereof, but in such event the service connections from such overhead lines shall be installed underground.

§ 424-36. Shade trees.

The Township Engineer shall notify the Planning Board as to its recommendations on street trees, stating in detail the number and type of trees and shrubbery required for said property. Said plantings shall thereafter be done solely by an independent contractor engaged by the Township for that purpose and shall not be done by the developer. A planting easement shall be provided by the developer of up to 10 feet from the street line, where necessary to allow a planting strip of a minimum of 20 feet from the street curb face.

§ 424-37. Soil erosion and sedimentation control.

No application for site plan approval shall be deemed complete in the absence of proof that a plan for soil erosion and sedimentation control has been submitted to the relevant reviewing authority, pursuant to the requirements of N.J.S.A. 4:24-39 et seq., or proof that such a plan is not required by the statute for the particular application. If the reviewing authority has failed to grant or deny certification of the erosion plan at the time of preliminary approval of the applicant's site plan, preliminary approval shall be conditioned on certification of applicant's erosion plan.

§ 424-38. Time for completion.

All public improvements, including streets, curbs, sidewalks, sewer and water and drainage facilities on public roads or easements, required to be installed or constructed by the developer in accordance with the resolution approving the site plan and the developer's agreement, shall be completed within the time specified by the Planning Board; provided, however, that the Planning Board may extend the time for the completion of such improvements for good cause shown and subject to the filing of a new performance bond, if necessary, based upon updated reports by the Township Engineer.

§ 424-39. Inspection and approval.

All improvements installed or constructed in accordance with this article shall be subject to inspection and approval by the Township Engineer, who shall be notified by the developer at least 72 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.

§ 424-40. Issuance of certificate of completion.

No bond release shall be issued on any construction commenced as a result of receiving final site plan approval until the Township Engineer shall certify to the Planning Board that all required improvements have been completed, and the performance guarantee, hereinbefore requested, shall have been posted with the Township Committee. Upon submission to the Planning Board that the performance guarantee has been posted with the Township Committee, and upon receipt of the certification by the Township Engineer that all required improvements have been completed, the Planning Board shall so certify to the Construction Official that a certificate of completion may be issued upon completion of the structures in accordance with the requirements of Chapter 200, Construction Codes, Uniform.

ARTICLE VIII
Performance and Maintenance Guaranties

§ 424-41. Performance guarantee.

A. No final site plan shall be approved by the Planning Board until the completion of all the required improvements has been certified to the Planning Board by the Township Engineer, or until the developer shall have filed with the Township Clerk a performance guarantee in favor of the Township and in a sum equal to 120% of the cost of all such improvements or uncompleted portions thereof as estimated by the Township Engineer and assuring the installation of such uncompleted improvements. Such performance guarantee may be in the form of a performance bond, which shall be issued by a bonding or surety company approved by the governing body, or of a certified check, returnable to the developer after full compliance, or by any other type of surety approved by the Township Attorney as to form, sufficiency and execution. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been installed. A deposit for inspection fees shall also be made.

B. Any site improvements not completed at the time of the issuance of a temporary or permanent certificate of occupancy shall first be covered by performance and maintenance guaranties as required in this article.

C. No final site plan shall be approved except conditionally by the Planning Board until the developer submits to said Board a certificate of the Township Clerk stating that the developer has posted with said official, in cash or certified check, the amount recommended by the Township Engineer as needed to plant shade trees on the property covered by the site plan. Where said property is located in an industrial district abutting upon any property situated in a residential district, there shall be deposited such further

amount as recommended by the Township Engineer as needed to plant trees and shrubbery in such part of the property covered by the subdivision as is within 50 feet of the abutting residential district. The amount so deposited with the Township Clerk shall constitute a trust fund for the payment of the expenses incurred by the Township Engineer in planting the shade trees and shrubbery as needed for said property.

§ 424-42. Completion of improvements; maintenance guarantee.

A. Completion of improvements.

(1) Upon substantial completion of all the necessary and appropriate improvements, the obligor shall notify the governing body, in writing, by certified mail, of the completion or substantial completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township Engineer shall inspect all of the aforesaid improvements and shall, thereupon, file a report, in writing, with the governing body, which report shall be detailed and shall indicate either approval, partial approval or rejection. If said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection. The cost of the improvements approved or rejected shall be set forth.

(2) The governing body shall accept or reject the improvements, grant partial approval or withhold approval on the basis of such report and shall notify the obligor, in writing, by certified or registered mail, of the contents of said report and the action of the governing body with relation thereto not later than 45 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee bond, except for that portion adequately sufficient to secure the improvements not yet approved. Where all improvements are substantially completed, up to 30% of the amount of the performance guarantee posted may be retained to insure full completion.

(3) If the Township Committee fails to approve or reject the improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee, the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(4) If any portion of said improvements shall not be approved or shall be rejected by the governing body, the obligor shall cause the same to be completed and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

(5) Nothing herein, however, shall be construed in limitation of the obligor's right to contest or question by legal proceedings or otherwise any determination of the governing body or the Township Engineer.

(6) The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements, provided that the municipality may require of the developer a deposit for all or a portion of the reasonably anticipated fees to be paid to the Township Engineer for such inspection.

B. If the required improvements have not been installed in accordance with the performance guarantee, the obligor and surety may, in its sole discretion, be liable thereof to the Township for the reasonable cost of the improvements not installed. Upon receipt of the proceeds thereof, the Township may, in its own discretion, install such improvements.

C. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined as of the time of the passage of the resolution.

D. Any resolution approving a site plan and developer's agreement shall also require a maintenance guarantee to be filed by the developer with the Township Clerk. Such maintenance guarantee shall be for a period of two years after final acceptance of the improvement by the Township Committee and shall be in an amount equal to 15% of the total actual cost of the improvement. The maintenance guarantee may be in the form of a maintenance bond, which shall be issued by a bonding or surety company approved by the governing body or by any other type of surety approved by the Township Attorney, or may be in the form of a certified check, returnable to the developer after the termination of the maintenance period of two years.

ARTICLE IX
Off-Tract Improvements

§ 424-43. Compliance required.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-42, construction of or contributions for off-tract water, sewer, drainage and street improvements may be required in accordance with the following criteria.

§ 424-44. Construction of improvements at developer's sole expense.

In cases where reasonable and necessary need for an off-tract improvement or improvements are necessitated or required by the proposed development application and where no other property owners receive a special benefit thereby, the Planning Board may require the applicant, as a condition of site plan, at the applicant's sole expense, to provide for and construct such improvements as if such were on-tract improvements in the manner provided hereafter and as otherwise provided by law.

§ 424-45. Improvements benefiting others; developer's contribution.

A. In cases where the need for any off-tract improvement is necessitated by the proposed development application, and where the Planning Board determines that properties outside the development will also be benefited by the improvements, such determination shall be made by the Planning Board in writing. The resolution or determination of the Planning Board shall specify the off-tract improvements which are necessary and the terms and conditions which shall be imposed upon the applicant to ensure the successful and reasonable implementation of same. In its deliberation as to whether off-tract improvements are required, the Planning Board shall be guided by the rules and regulations specified in Chapter 550, Zoning, this chapter and the Township Master Plan. The Planning Board may also be guided by counsel from the Board Attorney, Engineer, any consultant and other qualified experts and Township officials, relative to the subject matter.

B. In the event that the Planning Board determines that one or more improvements constitute an off-tract improvement, the Planning Board shall notify the Township Committee of the determination, specifying the Board's recommendation relative to the estimated cost of the improvement, the applicant's prorated share of the cost, and possible methods or means to implement same, including but not limited to performance and maintenance guarantees, cash contributions, development agreements and other forms of surety.

C. The Planning Board shall not grant preliminary approval of the site plan until all aspects of such conditions have been mutually agreed by both the applicant and the Township Committee, and a written resolution to that effect by the Township Committee has been transmitted to the Planning Board.

§ 424-46. Guaranties; developer's agreement; cash contributions.

A. Where a performance or maintenance guarantee or other surety is required in connection with an off-tract improvement, the applicant shall be required to follow the same procedures and requirements as specified in this chapter for other improvements.

B. A developer's agreement is required governing off-tract improvements or other conditions as may be required by this chapter or by the Planning Board, such agreement shall be approved as to form, sufficiency and execution by the Board Attorney and the Township Attorney. The agreement shall specify the amount of cash contributions, if any, the method of payment of same, the relative timing of such payment and the obligation or obligations to be undertaken by the Township.

C. Cash contributions for off-tract improvements shall not be required under the following conditions:

(1) Where another county or state agency has jurisdiction over the subject improvement and requires a cash contribution, guarantee or other surety of the applicant in lieu of such conditions imposed by the Township;

(2) Where a benefit assessment or other similar tax levy is imposed upon the applicant for the off-site improvement provided; or

(3) Where the applicant, where legally permissible, can undertake the improvements in lieu of the Township, subject to standards and other conditions as may be imposed by the Township.

D. Where a cash contribution is required by this chapter, such contribution shall be deposited with the Treasurer of the Township with a copy of the applicant's transmittal letter forwarded to the Township Committee, the Township Engineer and the Planning Board. Any and all monies received by the treasurer shall be deposited in an escrow account for the purpose of undertaking the improvements specified. Where such improvements are not undertaken or initiated for a period as previously set forth in the developer's agreement, the funds may be retained by the Township and may be used for general Township purposes, but, in such event, neither the applicant nor any of his/her heirs, executors, administrators, or grantees shall be liable to the Township for any assessments for the purpose of installing any of the improvements for which such cash contribution was made.

§ 424-47. Determination of applicant's contribution.

Where an off-tract improvement is required, the following criteria shall be utilized in determining the proportionate share of such improvement to the applicant:

A. Street widening, alignment, corrections, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere and the construction of new streets and other similar street or traffic improvements: The applicant's proportionate share shall be in the ratio of the estimated peak hour traffic generated by the proposed property or properties to the sum of the present deficiency in peak-hour traffic capacity of the present facility, and the estimated peak-hour traffic generated by the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.

B. Water distribution facilities including the installation of new water mains, the extension of existing water mains, the relocation of such facilities and the installation of other appurtenances associated therewith: The applicant's proportionate cost shall be in the ratio of the estimated daily use of water from the property or properties in gallons to the sum of the deficiency in gallons per day for the existing system or subsystem and the estimated daily use of water for the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.

C. Sanitary sewage distribution facilities including the installation, relocation or replacement of collector and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith: The applicant's proportionate cost shall be in the ratio of the estimated daily flow in gallons to the sum of the present deficient capacity for the existing system or subsystem and the estimated daily flow from the proposed project or development. In the case where the peak flow period for the proposed development may occur during the peak flow period for the existing system, the ratio shall be the estimated peak flow rate from the proposed development in gallons per minute to the sum of the present peak flow deficiencies in the existing system or subsystem and the estimated peak flow rate from the proposed development. The greater

of the two ratios thus calculated shall be increased by 10% for contingencies and shall be the ratio used to determine the cost to the applicant.

D. Stormwater and drainage improvements, including installation, relocation or replacement of transmission lines, culverts, catch basins and the installation, relocation or replacement of other appurtenances associated therewith: The applicant's proportionate cost shall be in the ratio of the estimated peak surface runoff as proposed to be delivered into the existing system measured in cubic feet per second to the sum of the existing peak flow in cubic feet per second deficient for the existing system and the estimated peak flow as proposed to be delivered. The ratio thus calculated shall be increased by 10% for contingencies. The applicant's engineer shall compute the drainage basin area and the area of the development and the percent of the total drainage basin area occupied by the development. Where no drainage system exists which will receive the flow of surface water from the applicant's development, the applicant shall furnish all drainage rights-of-way deemed to be necessary by the Planning Board.

E. In calculating the proportionate or pro rata amount of the cost of any required off-tract facilities which shall be borne by the applicant, the Planning Board shall also determine the pro rata amount of cost to be borne by other owners of lands which will be benefited by the proposed improvements.

ARTICLE X
Enforcement; Violations and Penalties

§ 424-48. Enforcement.

A. It shall be the duty of the Zoning Officer of the Township of Fredon to enforce the provisions of this chapter and to investigate any violation or alleged violations hereof, except that the Township Engineer may make inspections of utilities, drainage, paving and landscaping; the Township Engineer may make inspections of parking areas and traffic access points; and the Fire Subcode Official may make inspections of fire lanes. The site development features initially installed are required to be maintained during the life of the building, and substantial changes, as determined by the Zoning Officer and other inspecting agencies, are not to be made without permission of the Planning Board.

B. These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township of Fredon. Any action taken by the approving agency under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire community. However, if the applicant can clearly demonstrate that because of peculiar conditions pertaining to the property involved the literal enforcement of one or more of these regulations or ordinance provisions is impractical or will exact undue hardship, the approving agency may permit such variations or departures as may be reasonable and within the general purposes hereof.

C. The Planning Board shall adopt and may amend reasonable rules and regulations, not inconsistent with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., for the administration of its functions, powers and duties hereunder, including hearings, and

providing for the form, number and distribution of copies of applications. Said rules and regulations and application forms shall be kept and filed with the administrative officer.

§ 424-49. Violations and penalties.

A. In case of any development or in case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building or structure or land is used so as to constitute a violation of any of the provisions of this chapter or to be in violation of § 424-48B and C or any regulation made under the authority conferred hereby, the proper local authorities of the Township, including the Zoning Officer or any interested party, in addition to any other remedy or remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land and to prevent any illegal act, conduct, business or use in or about such premises.

B. Any person, firm or corporation violating any provision of this chapter shall be subject to a fine not to exceed $1,000, imprisonment for a term not to exceed 90 days and/or a period of community service not to exceed 90 days; and each day that such violation continues shall constitute a separate offense.

Chapter 433

SMOKING

ARTICLE I
Smoking in Township Buildings

§ 433-1. Smoking prohibited.

§ 433-2. Use of tobacco defined.

§ 433-3. Exceptions.

[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Smoking in Township Buildings
[Adopted by Ord. No. 17-85 (Sec. 3-6 of the 1972 Revised General Ordinances)]

§ 433-1. Smoking prohibited.

No person shall carry a lighted cigar, cigarette or pipe, or use any tobacco product within any building owned by the Township of Fredon.

§ 433-2. Use of tobacco defined.

The words "use any tobacco product" shall specifically mean carrying a lighted cigar, cigarette or pipe, smoking, chewing snuff, chewing tobacco or tobacco products, or taking or pinching snuff.

§ 433-3. Exceptions.

This prohibition shall not apply in any area clearly defined by a written resolution adopted by a majority vote of the Township Committee of the Township of Fredon, and only after that clearly defined area has been clearly posted "Smoking Permitted In This Area" in accordance with the written resolution adopted by the Township Committee.

Chapter 441

SOIL EROSION AND SEDIMENT CONTROL

§ 441-1. Short title.
§ 441-2. Purpose.
§ 441-3. Definitions.
§ 441-4. Permit.
§ 441-5. Fees and performance guaranty.
§ 441-6. Control measures.
§ 441-7. Inspection and enforcement.
§ 441-8. Bonds.
§ 441-9. Appeals.
§ 441-10. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 7-78 (Ch. XII of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 200.
Flood control — See Ch. 270.
Site plan review — See Ch. 424.
Soil removal — See Ch. 446.
Stormwater control — See Ch. 457.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

§ 441-1. Short title.

This chapter shall be known as the "Fredon Township Soil Erosion and Sediment Control Chapter."

§ 441-2. Purpose.

The purpose of this chapter is to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the public health, safety, convenience and general welfare of the community.

§ 441-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

APPLICANT — A person, partnership, corporation or public agency requesting permission to engage in land disturbance activity.

CRITICAL AREA — A sediment-producing, highly erodible or severely eroded area.

EROSION — Detachment and movement of soil or rock fragments by wind, water, ice and/or gravity.

EROSION AND SEDIMENT CONTROL PLAN — A plan which fully indicates necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation.

EXCAVATION or CUT — Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

FARM CONSERVATION PLAN — A plan which provides for use of land, within its capabilities and treatment, within practical limits, according to chosen use to prevent further deterioration of soil and water resources.

LAND — Any ground, soil or earth, including marshes, swamps, drainageways, and areas not permanently covered by water, within the Township.

LAND DISTURBANCE — Any activity involving the clearing, grading, transporting, filling and any other activity which causes land to be exposed to the danger of erosion.

MULCHING — The application of plant residue or other suitable materials to the land surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

PERMIT — A certificate issued to perform work under this chapter.

SEDIMENT — Solid material, both natural and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

SEDIMENT BASIN — A barrier or dam built at suitable locations to retain rock, sand, gravel, silt or other material.

SITE — Any plot, parcel or parcels of land.

SOIL — All unconsolidated mineral and organic material of any origin.

STANDARDS — Standards for soil erosion and sediment control in New Jersey, as promulgated by the State Soil Conservation Committee.

STATE SOIL CONSERVATION COMMITTEE — An agency of the state, established in accordance with the provisions of N.J.S.A. 4:24-39 et seq.

STRIPPING — Any activity which significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

SUSSEX COUNTY SOIL CONSERVATION DISTRICT — A governmental subdivision of this state, which encompasses this Township, organized in accordance with the provisions of N.J.S.A. 4:24-39 et seq.

WETLANDS — A marsh swampland, saturated with water, including but not limited to, all areas composed of soils having a seasonal high-water table at the surface.

§ 441-4. Permit.

A. Permit required.

(1) No land area shall be disturbed by any person or any public agency unless and until such time as a plan for soil erosion and sediment control, in accordance with standards, as herein defined, has been approved, as herein set forth, and a valid land disturbance permit or building permit has been issued, as hereinafter set forth.

(2) No subdivision, site plan or land development plan shall be approved unless it includes a soil erosion and sediment control plan, in accordance with the provisions of this chapter.

B. Procedure for filing application. The applicant shall file a soil erosion and sediment control plan in accordance with the following:

(1) Prior to the issuance of a building permit for any construction not requiring Planning Board approval, and prior to the issuance of a land disturbance permit for any other activity, the construction official shall determine, in accordance with the requirements of this chapter, and in accordance with the requirements of N.J.S.A. 4:24-39 et seq., whether or not a soil erosion and sediment control plan is necessary. The applicant shall furnish such information as required by the construction official to make this determination. Such plan shall be deemed to be required unless the project is specifically exempted, pursuant to N.J.S.A. 4:24-39 et seq. or this chapter.

(2) If the construction official determines that a soil erosion and sediment control plan is required, such plan shall be submitted to and approved by the construction official, prior to the issuance of a building permit or land disturbance permit. The construction official may seek assistance from the Township Engineer or the Sussex County Soil Conservation District in the review of such plans.

(3) The construction official shall grant approval or denial of the plan within a period of 30 days of submission of a complete application unless this period is extended by mutual agreement in writing. Failure of the Township to make a decision within such period or such extension thereof shall constitute approval of the soil erosion and sediment control plan. The applicant shall be provided with written notice of such decision by the construction official. A copy of such decision including the name of the applicant, site location by street address and block and lot number, and proposed land use shall be sent to the Sussex County Soil Conservation District. The Township shall also make available such other information as may be required by the district.

(4) On all site plans, preliminary subdivision plats, or other applications requiring Planning Board approval and involving land disturbance, there shall be submitted to the Planning Board a soil erosion and sediment control plan. The Planning Board may seek assistance from the Township engineer or Sussex County Soil Conservation District in the review of such plans. The soil erosion and sediment control plan shall be filed with and become part of the preliminary subdivision, site plan or other application and shall be subject to the same procedure for approval, denial or appeal as the application of which it is a part.

C. Information to accompany application. The applicant shall submit a separate soil erosion and sediment control plan for each noncontiguous site. Such plan shall contain:

(1) A map of the site, at a scale of not less than one inch equals 100 feet, nor greater than one inch equals 20 feet, showing existing contour lines, at two-foot intervals.

(2) The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics. A copy of the appropriate section of the USDA Soil Survey shall be submitted with applications encompassing an area greater than three acres.

(3) The location and description of proposed changes to the site.

(4) Measures for soil erosion and sediment control which shall meet or exceed standards as herein defined. Standards shall be on file at the offices of the local soil conservation district and the Township Clerk.

(5) A schedule of the sequence of installation of planned erosion and sediment control measures, as related to the progress of the project, including anticipated starting and completion dates.

(6) All proposed revisions of data required shall be submitted for approval. The applicant may consult with the Sussex County Soil Conservation District in the selection of appropriate erosion and sediment control measures, and the development of the plan.

D. Factors considered in approving permits.

(1) In considering and reviewing the application for a land disturbance permit, the construction official shall be guided by, and take into consideration, the public health, safety and general welfare, and the general purposes of land use control, and, in particular, consideration shall be given to the following factors:

(a) Proposed stripping of vegetation.

(b) Effects of proposed tree removal.

(c) Surface water drainage.

(d) Extent of disturbed area and the duration of exposure of soil.

(e) Soil fertility.

(f) Contours, both existing and proposed.

(g) Whether proposed land disturbance is necessary and incidental to the development of the property.

(h) Erosion of soil by water and wind, and the soils' susceptibility to the production of sedimentation.

(i) Lateral support of abutting streets and lands.

(j) Land values and uses.

(k) Effect on water resources, such as streams and wetlands.

(2) In the event that after considering and reviewing the application, it appears that the resultant effect of the land disturbance would be excessive erosion of the soil, or the sedimentation upon streams or wetlands located on or off the site, the application may be denied. Such action shall be taken in accordance with the requirements of Subsection B(3).

E. Issuance of permit.

(1) A permit shall be issued only after compliance with the following:

(a) Approval in accordance with Subsections B through D.

(b) Payment of fees in accordance with § 441-5A and B.

(c) Satisfaction of the performance bond as required by § 441-8.

(2) All permits shall be held subject to compliance with the requirements of this chapter and shall be subject to revocation in accordance with its terms.

F. Exemption from requirement of permit. The following activities specifically exempted from this chapter:

(1) Land disturbances of 5,000 square feet or less of surface area of land.

(2) The construction of a single-family dwelling unit unless such unit is a part of a proposed subdivision, site plan, exception, zoning variance, planned unit development or a building permit application involving two or more such single-family dwelling units.

(3) Land used for gardening, primarily for home consumption.

(4) Land used for agricultural purposes, when operated in accordance with a farm conservation plan, approved by the local soil conservation district.

§ 441-5. Fees and performance guaranty.

A. Application fee. Upon applying for a permit, pursuant to the provisions of this chapter, the applicant shall pay a fee as set forth in § 245-2E to cover the cost of initial review of the proposed land disturbance. If, however, the application is a part of an application for a major subdivision or site plan approval or other application requiring Planning Board approval, and involving land disturbance, no additional fee shall be required, unless the Township Engineer certifies that a review of the soil erosion and sediment control plan was sufficiently involved that the fees paid in connection with the other application are insufficient. The applicant shall pay such additional fee as charged by the Township engineer to accomplish such review, but in no event, in excess of fee specified in § 245-2E. Such additional fees, if any, shall be paid prior to the issuance of the soil erosion and sediment control permit.

B. Inspection fees.

(1) Upon issuance of a permit, the applicant shall deposit funds with the Township Clerk to cover the cost of inspection services required by this chapter. The amount of the deposit shall be determined as set forth in § 245-2E.

(2) Any unused portion of the deposit shall be returned to the applicant upon the applicant's compliance with § 441-7C.

C. Performance guaranty. Prior to the start of any site plan and/or major subdivision construction, including, but not limited to, clearing or grading, a separate cash performance guaranty for soil erosion and sedimentation control shall be posted. The amount of the guaranty shall be as set forth in § 245-2E. However, the Township may require an increased amount upon receiving written recommendation from the Township Engineer citing critical soil and/or slope conditions. In the event of noncompliance with the provisions of the approved soil erosion and sedimentation control plan, the Township may issue a written notice to the developer. After 72 hours have elapsed from receipt of such notice, the Township shall have the option to take corrective actions and charge the cost of such corrective actions against the cash performance guaranties. **[Added by Ord. No. 5-87]**

§ 441-6. Control measures.

A. Notification of commencement of work. The construction official shall be notified by the applicant at least 24 hours prior to the start of any project.

B. Approval of control. The construction official may require necessary measures to be promptly installed and may require modifications to the plan when, in his/her judgment, such are necessary to properly control erosion and sediment.

C. Relations. Control measures shall apply in all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan:

(1) Stripping of vegetation, grading or other soil disturbances shall be done in a manner which will minimize soil erosion.

(2) Whenever feasible, natural vegetation shall be retained and protected.

(3) The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.

(4) Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbances.

(5) Drainage provisions shall accommodate increased runoff, resulting from modified soil and surface conditions, during and after development or disturbance. Such provisions shall be in addition to all existing requirements.

(6) Water runoff shall be minimized and retained on site, wherever possible, to facilitate groundwater recharge.

(7) Sediment shall be retained on site to the maximum extent.

(8) Diversion, sediment basins, and similar required structures shall be installed, prior to any on-site grading or disturbance.

(9) Permanent vegetation protection and erosion control measures shall be established as soon as practically possible.

D. Applicant responsibility. The applicant shall bear the final responsibility for the installation and construction of all required soil erosion and sediment control measures.

E. Maintenance of control measures. All necessary soil erosion and sediment control measures, installed under this chapter, shall be adequately maintained until such measures are permanently stabilized, as determined by the construction official. The construction official shall give the applicant, upon request, a certificate indicating the date on which the measures called for in the approved plans, were completed. Such control measures shall then be further maintained for a period not to exceed two years.

§ 441-7. Inspection and enforcement.

A. Enforcement by construction official. The requirements of this chapter shall be enforced by the construction official who shall inspect or require adequate inspection of the work. The construction official may seek assistance from the Township Engineer or the Sussex County Soil Conservation District in carrying out any provisions of this chapter. The applicant shall maintain the approved soil erosion and sediment control plan at the site during construction.

B. Failure to comply. In the event that the applicant fails to comply with the terms of his permit, his soil erosion and sediment control plan as approved or the requirements of this chapter, the construction official may issue stop-work orders, revoke building permits and/or refuse to issue further building permits.

C. Certificate of occupancy. No certificate of occupancy for any building or project shall be issued unless there has been compliance with the provisions of the approved plan for permanent measures to control soil erosion and sedimentation. A formal report of such compliance shall be filed with the construction official prior to the issuance of a certificate of occupancy. A copy of this report shall be filed with the Sussex County Soil Conservation District.

§ 441-8. Bonds.

A. Performance bond required. Prior to the issuance of a permit, the applicant shall file with the Township Clerk a performance guarantee, in a form approved by the Township Attorney and in an amount deemed sufficient by the Township Committee, in conformance with the recommendations of the Township Engineer. The bond shall be sufficient to insure the faithful performance of the work to be undertaken, pursuant to the terms and conditions of the permit issued, the requirements of the soil erosion and sediment control plan approved and this chapter.

B. Performance bond reduction. The applicant may request that his bond be reduced based on partial completion of the improvements required. The Township Committee, by resolution, may approve such reduction upon certification of the Township Engineer that the work specified has been completed and is approved by the Township Engineer.

C. Interim maintenance. All soil erosion and sediment control measures installed under the authority of this chapter shall be adequately maintained until final approval of such measures or until such measures are permanently stabilized as determined by the construction official. The maintenance of these measures, during this interim period, shall be considered in connection with any application for bond reduction, as hereinbefore set forth.

D. Maintenance bond. The Township Committee may require a maintenance guarantee for a period not to exceed two years after the final approval of the soil erosion and sediment control measures, in an amount not to exceed 15% of the cost of the improvement or permanent installation.

§ 441-9. Appeals.

Any person aggrieved by any decision or action of the construction official, Township Engineer or Planning Board under this chapter may appeal to the Township Committee. Such appeal shall be made in writing and filed with the Township Clerk within 10 days from the date of the date of such decision or action. The appellant shall be entitled to a hearing before the Township Committee within 30 days from the date of appeal.

§ 441-10. Violations and penalties. [Amended by Ord. No. 99-06]

Any person violating any of the provisions of this chapter shall be liable for penalties in accord with the schedule shown in § 1-3, and each and every day that the violation is not abated shall constitute a separate and subsequent offense. All fees, penalties and moneys collected under any provision of this chapter shall be paid to the Township Treasurer.

Chapter 446

SOIL REMOVAL

§ 446-1. Findings.
§ 446-2. Title.
§ 446-3. Definitions.
§ 446-4. Permit required.
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§ 446-6. Application for permits; recommendations.
§ 446-7. Factors considered in approving permits.
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§ 446-9. Methods of operation.
§ 446-10. Arable soil.
§ 446-11. General regulations.
§ 446-12. Application and inspection fees.
§ 446-13. Bonds.
§ 446-14. Revocation or suspension of permit.
§ 446-15. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 15-84 (Ch. XIA of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 200.
Flood control — See Ch. 270.
Site plan review — See Ch. 424.
Soil erosion and sediment control — See Ch. 441.
Stormwater control — See Ch. 457.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

§ 446-1. Findings.

The Township Committee finds and determines that the unregulated and uncontrolled excavation and removal and relocation of soil, sand, stone, gravel, aggregates, rocks or other natural deposits on a large scale, or for sale or use other than on an individual tax lot, has or may result in conditions detrimental to the public safety, health and general welfare, substantially hampering and deterring the effort of the Township to effectuate the general purpose of municipal planning.

§ 446-2. Title.

This chapter shall be known and may be cited as the "Fredon Township Soil Removal Chapter."

§ 446-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVED PLAN — A plan for soil removal approved by the Planning Board as a conditional use and by the Township Committee pursuant to the provisions of this chapter or, in case of nonconforming uses, by the Planning Board and Township Committee pursuant to the provisions of this chapter.

ARABLE SOIL — Soil within eight inches of the surface of the premises from which soil is contemplated to be removed.

MULCHING — The application of plant residue or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover.

PERMIT — A certificate issued to perform work under this chapter.

SOIL — All unconsolidated mineral and organic matter of any origin, including sand, stone, gravel, aggregates, rocks and other natural deposits.

TOPSOIL — The arable soil within eight inches of the surface.

§ 446-4. Permit required.

A. Permit exceptions. No person or entity shall excavate for the removal of soil, sand, stone, gravel, aggregates, rocks or other natural deposits for sale or use or otherwise remove, store or stockpile the same for sale or use on any given tax lot, unless a soil removal permit has been first obtained, as herein set forth. However, the provisions of the soil removal chapter shall not apply to the removal of soil, sand, gravel, aggregates, rocks or other natural deposits if:

(1) The amount of said removal is 100 cubic yards or less.

(2) The removal is associated with and incidental to the excavation required for the construction of a single-family dwelling and associated lawns, driveways, accessory buildings, patios, retaining walls, on a single lot in accordance with the building permits issued by the construction official.

(3) The removal is associated with the excavation required for the construction of an in-ground or aboveground swimming pool.

(4) The removal is associated with the excavation required for the construction or reconstruction of individual sewage disposal systems in accordance with permits issued by the Board of Health.

(5) The removal is limited to a disturbed area of not more than five acres and is associated with, and incidental to, the construction of an approved site plan, if the material removed is utilized as fill material on the subject property, or the amount removed from the site does not exceed twice the volume of the material displaced by the building foundation or foundations.

(6) The removal is associated with and necessary for the reconstruction and/or construction of roads, drainage systems, sanitary sewers, flood control measures or other improvements approved on the subdivision plat by the reviewing municipal body or undertaken by any governmental agency.

(7) The removal is associated with and incidental to the regrading of the yard on an existing developed single lot for purposes of making or installing drainage improvements.

B. Issuing authority. No application for a permit shall be made, pursuant to this chapter, until a conditional use permit has been obtained from the Planning Board. The Township Committee shall be the issuing authority for the soil removal permit.

§ 446-5. Permits required for existing operations.

In the case of soil removal operations presently in existence as nonconforming uses, the owner or operator shall file, within 90 days from the adoption of this chapter, an application for a soil removal permit under this chapter with the Planning Board. The Planning Board shall consider the application and make its recommendations to the Township Committee within 65 days from the date of the filing of the application. The Township Committee shall then determine the application for a soil removal permit as set forth herein.

§ 446-6. Application for permits; recommendations.

An application to the Planning Board for a conditional use permit and for recommendations to the Township Committee on an application for a soil removal permit for a nonconforming use shall be accompanied by the following:

A. Map.

(1) A map showing:

(a) Existing contour lines at two-foot intervals. No such topographical map is required for the removal of less than 5,000 cubic yards of total material unless specifically required by the Board.

(b) Proposed contour lines at two-foot intervals after removal of the soil.

(c) All existing structures on the subject premises and within 200 feet thereof.

(d) All existing roads and drainage on the subject premises and within 200 feet of the property.

(e) Location of topsoil storage areas.

(f) Methods of controlling silting of downstream properties.

(g) The elevation of the water table and of bedrock.

[1] The determination of the elevation of the water table and the bedrock shall be made by one of the following methods:

[a] Test pits with a backhoe.

[b] Probes or soundings.

[c] Geophysical tools.

[d] Rotary drilling.

[e] Continuous flight auger drilling.

[2] The test method utilized shall make exploration for the water table to a depth of at least eight feet below the proposed final grade. A three-hundred-foot grid pattern shall be used in determining the water table with a minimum of four locations for a five-acre tract. The applicant shall notify the Township Engineer at least seven days in advance of conducting the tests to determine the water table, and the Township engineer, or his representative, shall be present and witness the tests when conducted. A certification of the applicant's engineer shall be inserted on the map which shall read as follows "I hereby certify that the water table is (or is not, whichever is applicable) within eight feet of the proposed final contour as shown on this map." The Engineer's certification shall also include the names and addresses of the persons witnessing the tests utilized to determine the water table, the dates that the tests were taken and the test methods utilized and a log of the materials found in the test holes or pits.

(h) All existing trees, 2 1/2 inches or greater in diameter, measured 4 1/2 feet from the ground level.

(i) Sites which exist at the time of the enactment of this chapter on which there is an existing gravel bank from which 5,000 cubic yards or less of material are removed during any calendar year are not required to file the map as required hereunder; provided, however, that the Township Engineer shall cause a site inspection to be made prior to the issuance of any permit on any such site, and he shall determine if the operation, if continued, will have a detrimental effect on the adjoining properties, roads, streams, waterways and on the public health and safety. The Township Engineer shall render an inspection report and recommendation to the Planning Board for its consideration and action prior to the issuance of any permit. The Planning Board shall have the right after receipt of the Engineer's report and recommendation to require the filing of a map in accordance with the provisions of this chapter if it shall deem if necessary for the proper performances of its duties under this chapter.

(2) The map submitted by the applicant showing proposed contours shall divide the property, from which soil is to be removed, into five-acre sections. The applicant shall indicate on the map the numerical sequence in which sections are to be worked. Not more than one section shall be worked at any one time pursuant to § 446-11L herein.

B. Aerial photographs. An aerial photograph of the site as filed with the Township Engineer.

C. Soil removal. An indication of the total number of cubic yards to be removed and the length of the time within which the proposed operation shall be completed, which shall normally not be longer than five years. Where a total project is not capable of being completed within five years, it shall be broken down into two sections, one of which shall be completed within five years and the other within such further period not exceeding five years as the appropriate Township body may determine.

D. Approved plan. An approved soil erosion and sediment control plan prepared by a licensed New Jersey Professional Engineer, in accordance with Specifications for Soil Erosion and Sediment Control of the Sussex County Soil Conservation District and Chapter 441, or a soil erosion plan approved by the Sussex County Soil Conservation District.

E. Requirements. All of the requirements of the Township ordinances governing site plan review shall apply to soil removal applications and a site plan application shall be filed with the soil removal application and all of the requirements of the site plan including the fee provisions shall be complied with.

§ 446-7. Factors considered in approving permits.

A. Factors. In considering and reviewing the application and arriving at its decision, the Planning Board shall be guided and take into consideration the public health, safety and general welfare and the general purposes of land use control, and particular consideration shall be given to the following factors:

(1) Soil erosion by water and wind.

(2) Surface water drainage.

(3) Soil fertility.

(4) Lateral support of abutting streets and lands.

(5) Public health and safety.

(6) Land values and uses.

(7) Contours, both existing and proposed.

(8) Existing contours and topographic character of the land prior to removal of any soil and the proposed contours which shall result subsequent to the removal of soil in accordance with the soil removal application.

(9) Whether the proposed removal of soil is necessary and incidental to the development of the property for its intended use or whether the proposed removal constitutes primarily a commercial activity.

(10) Effect of tree removal.

(11) Traffic impact and appropriate truck routes. The Planning Board shall have the authority to require the applicant to conduct engineering studies and a traffic

survey on the roads in the vicinity of the proposed soil removal operation in order to determine if such roads are of sufficient strength to support the truck traffic to be emanating from the operation. The traffic survey, if required, shall be made with counters and the average daily traffic shall be determined.

B. Approval. Said application and map must be approved by the Sussex County Soil Conservation District.

C. Denial. In the event that, after considering and reviewing the application, the resultant effect would be a creation of a lake, pond, hole, pit or depression, or stagnant water would collect on the property, or the nature of the operation would be a wet-mining operation, then and in that event the existence of any one of these factors alone may be a sufficient for the denial of the permit.

D. Off-tract improvements. The Planning Board, in cases where it determines that off-tract improvements are necessitated or required because of the proposed soil removal operation, shall have the authority to require the applicant to construct off-tract improvements in accordance with the provisions of Chapter 441.

§ 446-8. Issuance of permits.

After approval of the application by the Planning Board, a permit shall be issued by the Township Committee. Said permit shall be issued on an annual calendar-year basis. For renewal of permits, see § 446-11K.

§ 446-9. Methods of operation.

If a permit is issued for the removal of earth and soil as provided herein, the owner, or person in charge, shall conduct the operation so that there shall be no sharp declivities, pits or depressions, and in such manner that the area shall be properly leveled off, cleared of debris and graded to conform with the contour lines and grades as required and shown on the approved plan. No soil shall be removed nor shall any operation be conducted so as to violate any of the regulations contained in this chapter.

§ 446-10. Arable soil.

A. Planting. Arable soil within eight inches of the surface shall not be removed from the licensed owner's premises, but promptly, on completion of operations, the arable soil so retained shall be respread on the surface as uniformly as possible to a minimum depth of eight inches, and seeded with winter rye or other suitable planting. If bedrock is present at least four feet of soil cover over the bedrock shall be applied and an additional eight inches of arable soil shall be respread and seeded with winter rye or other suitable planting.

B. Drainage. If the soil within eight inches of the top is not arable to a minimum depth of eight inches shall be spread thereon promptly when the operation is completed in each area. Provisions shall be made for adequate drainage after the topsoil is replaced.

§ 446-11. General regulations.

The following regulations shall be observed:

A. Prohibited. Soil removed shall not be deposited or in any way thrown or placed upon adjoining property or public roads. Any soil or material resulting from any operation, accumulating on any adjoining property or public road, shall be removed therefrom immediately, upon notice by the Township to the permittee.

B. Access road. The petitioner shall construct a course gravel access road into the removal site to ensure that trucks leaving the site will not track material onto the public road. Such access road shall be in accordance with the requirements of the Township Engineer.

C. Operations near streams or wetlands. All operations shall be conducted in strict accordance with any state law, other ordinances of the Township and the terms and conditions of any permit granted for the operations. No operation shall be permitted within 100 feet of any stream or wetland, unless it can be shown that soil removal will not alter the quantity or quality of the water, nor adversely affect the rate of water flow, and that the final finishing grade requires soil removal within the one-hundred-foot distance.

D. Nuisances or hazards. The operation shall be conducted so as not to constitute a nuisance to adjoining owners or the Township, and in no event shall the operation create any hazardous or unsafe condition with regard to any person or persons. No soil shall be removed within 100 feet of the road right-of-way of any public road or within 100 feet of any adjoining property line except for that removal which is necessary for final grading and which has been approved by the Planning Board.

E. Clearance of area. Upon completion of an operation or of excavation from an area delineated on the approved plan, the area shall be properly cleared of debris, graded to conform to the contours and grades, and trees shall be planted, in accordance with the approved plan. A final map shall be submitted containing and complying with all requirements as set forth in this chapter.

F. Requirement of approved plan. Soil shall not be removed, except in accordance with the approved plan, which plan may, upon application, be amended from time to time by the Planning Board.

G. Water table and grade level restrictions. No soil shall be removed which is within eight feet of the water table, and no soil shall be removed which is below the grade established and shown on the approved map.

H. Garbage; pollution; safety hazards. No trash, garbage, junk or debris shall be stored in any licensed area and no safety hazards shall be permitted, either during or after the completion of operations. All burning of combustible debris, resulting from the soil operation, shall be subject to the regulation of a higher authority in effect and shall be undertaken so as not to create a smoke nuisance or pollution safety hazard.

I. Inspection. The applicant shall permit the inspection of the operation, at any reasonable time, by the subcode official and/or the Township Engineer, or any other person designated by the Township to perform such inspections.

J. Processing and blasting. There shall be no processing of any type of material on site and there shall be no blasting permitted under any circumstances on site.

K. Permit renewal.

(1) On or before November 1 of each year, every soil removal operator holding a permit issued pursuant to § 446-8 shall file an application for an annual operating license for the next ensuing calendar year. Said application shall be accompanied by the following:

(a) A letter from the Township Engineer that inspection of the licensed premises has been made pursuant to the requirements of Subsection I and setting forth the results of said inspection, including specification of any violations of this chapter or of any law or ordinance.

(b) A statement from the tax collector of the Township that all taxes levied and assessed against the licensed premises have been paid to date.

(c) Payment of an annual operating fee, which shall be $100 where the operating license contemplates removal of less than 5,000 cubic yards in the ensuing year, and $500 where more than 5,000 cubic yards are expected to be removed in the ensuing year.

(2) If the report of the inspection of the Township Engineer indicates that there are any violations or problems in connection with the soil removal operation, the Clerk shall not issue the annual operating license but shall submit all papers to the Township Committee. The Township Committee may determine, on the basis of the papers submitted, to authorize issuance of the license or of a limited or conditional license; or in its discretion, may, in the case of serious violations, require the licensee to show cause why the operating license and permit should not be suspended or revoked.

L. Soil removal limited to five-acre sections. In order to minimize the possibility of mudslides or drainage of silt, and for safety purposes, the area of operations for excavation shall be limited to one five-acre section as shown on the applicant's soil removal map, at any one time. The applicant shall fence and enclose the five-acre section currently the subject of soil removal operations. The applicant shall not commence soil removal upon a succeeding five-acre section without the replacement of topsoil and reseeding and restoration of the previous five-acre section and approval of restoration by the Planning Board. Each succeeding five-acre section shall be enclosed before soil removal operations are commenced thereon.

M. Respreading and reseeding. Upon the completion of work in any specific area, all respreading of arable soil and reseeding as required by this section and§ 446-10A of this chapter shall be completed within 60 days thereafter; except that, if the completion of work in an area occurs during the winter months when it would not be practical to respread and reseed it, the work shall be completed within the additional time as may be specified by the Planning Board.

N. Exception. In any action taken by the reviewing municipal body with regard to this section, the body shall give primary consideration to the rules, regulations and standards herein set forth, in order to promote the general welfare of the entire community. If, however, the applicant can clearly demonstrate, because of peculiar conditions pertaining to his or her land, the literal enforcement of one or more of these regulations is impractical or will exact undue hardship, the reviewing municipal body may grant exceptions from the requirements of such sections as may be reasonable within the general intent of this chapter. It shall state its reasons for granting any such exceptions in resolution form.

O. Hours of operation. Hours of operation shall be limited from 7:00 a.m. to 6:00 p.m., Mondays through Fridays, and 7:00 a.m. to 1:00 p.m. on Saturdays, including but not limited to loading of trucks, excavation of materials, arrival and departure of vehicles prior to and after the times as set forth herein. There shall be no operation of any kind or character on Sundays or legal holidays. **[Amended by Ord. No. 99-06]**

P. Working face of excavation. While working an area, the working face of excavation shall not exceed 85° from the horizontal, nor shall an 85° angle have a vertical height exceeding 30 feet. Any face not currently being worked on shall not exceed 30° from the horizontal. A suitable fence shall be erected on three sides of the working face of the excavation in order to prevent persons from approaching such working face from the existing grade level. Where an excavated area adjoins an road, no excavation shall be made below the level of the road from a distance of 100 feet back from the right-of-way of the road. Where an excavated area is within 50 feet from any building, the finished grade thereof shall not exceed 10% or be less than 2%. Care should be taken so that there shall be no diversion of surface water either during the operation or after the project is complete.

§ 446-12. Application and inspection fees.

A. Application fee. Upon application for a permit for the removal of a total of less than 5,000 cubic yards of material, pursuant to the provisions of this chapter, the applicant shall pay a filing fee in the amount of $500. For an application for the removal of more than 5,000 cubic yards the shall be $500. In addition, at the time of filing the application for the removal of less than 5,000 cubic yards of material, a deposit in the sum of $250 to cover review of the Township Engineer, planning consultant and other Township personnel and site inspections and other review fees shall be made with the Township Clerk by the applicant. In the case of an application for the removal of more than 5,000 cubic yards, the deposit shall be $500. Any unused portion shall be returned to the applicant. The Board shall have the right to require additional deposits to paid by the applicant, from time to time, in order to insure that review and inspection fees are adequately provided for. Upon the issuance of a permit for the removal of 5,000 cubic yards or less, the applicant shall pay another deposit in the sum of $250 to cover reasonable inspection fees to municipal personnel, including but not limited to the Township Engineer, for any inspections of improvements. Upon the issuance of a permit for the removal of more than 5,000 cubic yards, the deposit shall be $500.

B. Inspection fee. Thereafter, the permittee shall reimburse the Township promptly for the cost of all periodic inspection fees, as well as any extraordinary costs or expenses, including attorneys' fees necessitated as a result of unforeseen difficulties or exigencies or necessitated by or resulting from any violation of any provision of this chapter. Should the applicant fail to reimburse the Township for the aforesaid fees, within 14 days of a request by the Township to do so, the permit may be suspended or revoked for such period of time as the Township Committee may determine.

§ 446-13. Bonds.

A. Bond required. Before any work is done for which a permit is required, and during the period covered by the permit, the applicant shall file and maintain a bond in form and with surety approved by the Township Attorney in an amount deemed sufficient by the Township Committee on a recommendation of the Township Engineer, that shall be sufficient to insure faithful performance of the work to be undertaken pursuant to the conditions of the permit and the terms thereof. The bond shall be in an amount not less than $3,000 per acre of land which is actually being worked in accordance with the approved plan. The bond shall cover the respreading of topsoil as required by the provisions of § 446-10 and also final provisions for drainage of the site and grading to final contour. The amount of any performance bond or guarantee may be reduced by the Township Committee by resolution, when portions of the improvements or works have been completed, upon recommendation of the Township Engineer.

B. Release from bond. When all required performance has been completed, the obligor shall notify the Township Committee, in writing, by certified or registered mail, of the completion thereof and shall send a copy thereof to the Township Engineer. The Township Committee shall authorize the Township Engineer to inspect the site to determine that all requirements of the approved plan have been complied with. The Township Engineer shall thereupon file a report in writing with the Township Committee which shall be detailed and shall indicate either approval, partial approval or rejection. If the work covered by the bond or performance guarantee, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, the report shall contain a statement of reasons for such nonapproval or rejection. Where the rejection indicates partial approval of the improvements or works, it shall indicate the costs of the work for which approval is rejected. The Township Committee shall accept or reject the work, grant partial approval, or withhold approval, on the basis of the report and shall notify the obligor in writing by certified or registered mail of the contents of the report and the action of the Township Committee with relation thereto, no later 90 days after receipt of notice from the obligor of the completion of the work. Where partial approval is granted, the obligor shall be released from all liability pursuant to his performance guarantee bond except for that portion adequately sufficient to secure the work not yet approved.

§ 446-14. Revocation or suspension of permit.

After reasonable notice and an opportunity to be heard before the Township Committee, the permit of any person may be revoked or suspended for such periods as the Township

Committee may determine, for any violation of the terms hereof or the terms and conditions of any approved plan and permit granted hereunder.

§ 446-15. Violations and penalties.

A. Maximum penalty. For violation of any provision of this chapter, the maximum penalty shall be a fine of $1,000 and/or imprisonment in accord with the schedule shown in § 1-3. The minimum penalty imposed shall be a fine of $100.

B. Default. Any person convicted of the violation of this chapter, in the discretion of the court in default of the payment of any fine imposed therefor, be imprisoned in the county jail for a term not exceeding 90 days.

C. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter continues shall constitute a separate violation.

Chapter 457

STORMWATER CONTROL

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ARTICLE IV
Stormwater Management Measures, Maintenance and Repair

§ 457-18. Maintenance and repair.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 2005-05 (Ch. XIIB of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 200.
Flood control — See Ch. 270.
Site plan review — See Ch. 424.
Soil removal — See Ch. 446.
Soil erosion and sediment control — See Ch. 441.
Subdivision of land — See Ch. 470.
Zoning — See Ch. 550.

ARTICLE I
General Provisions

§ 457-1. Title.

This chapter shall be known and referred to as the "Stormwater Control Ordinance of the Township of Fredon, Sussex County, New Jersey."

§ 457-2. Policy statement.

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low-impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

§ 457-3. Purpose.

It is the purpose of this chapter to establish minimum stormwater management requirements and controls for "major development," as defined in Article II, § 457-6.

§ 457-4. Applicability.

A. This chapter shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

   (1) Nonresidential major developments; and

   (2) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

B. This chapter shall also be applicable to all major developments undertaken by Fredon Township.

§ 457-5. Compatibility with other permit and ordinance requirements.

Development approvals issued for subdivisions and site plans pursuant to this chapter are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

ARTICLE II
Terminology

§ 457-6. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

COMPACTION — The increase in soil bulk density.

COUNTY REVIEW AGENCY — An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A. A county planning agency; or

B. A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — The New Jersey Department of Environmental Protection.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

ENVIRONMENTALLY CRITICAL AREAS — An area or feature which is of significant environmental value, including but not limited to stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one or more acres of land or a cumulative increase in the impervious surface by one-quarter acre or more. Disturbance, for the purpose of this rule, is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY — Any city, borough, town, township, or village.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, Fredon Township, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow-removal equipment.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers resulting from precipitation.

WATERS OF THE STATE — All springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

ARTICLE III
Design and Performance Standards

§ 457-7. General standards for stormwater management measures.

A. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in §§ 457-10, 457-11, and 457-12. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

B. The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

§ 457-8. Stormwater management requirements for major developments.

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Article IV, § 457-18.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly Helonias bullata (swamp pink) and/or Clemmys muhlnebergi (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §§ 457-10, 457-11, and 457-12:

(1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;

(2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and

(3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §§ 457-10, 457-11, and 457-12 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(2) The applicant demonstrates, through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of §§ 457-10, 457-11, and 457-12 to the maximum extent practicable;

(3) The applicant demonstrates that, in order to meet the requirements of §§ 457-10, 457-11, and 457-12, existing structures currently in use, such as homes and buildings, would need to be condemned; and

(4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §§ 457-10, 457-11, and 457-12 that were not achievable on-site.

§ 457-9. Nonstructural stormwater management strategies.

A. To the maximum extent practicable, the standards in §§ 457-10, 457-11, and 457-12 shall be met by incorporating nonstructural stormwater management strategies into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

B. Nonstructural stormwater management strategies incorporated into site design shall:

(1) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

(2) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

(3) Maximize the protection of natural drainage features and vegetation;

(4) Minimize the decrease in the "time of concentration" from preconstruction to postconstruction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

(5) Minimize land disturbance including clearing and grading;

(6) Minimize soil compaction;

(7) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

(8) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

(9) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

(a) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy § 457-9C below;

(b) Site design features that help to prevent discharge of trash and debris from drainage systems;

(c) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(d) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

C. Site design features identified under Subsection B(9) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsections, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Subsection C(3) below.

(1) Grates.

(a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

[1] The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

[2] A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension.

(b) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

(2) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.

(3) This standard does not apply:

(a) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(b) Where flows from the water quality design storm as specified in § 457-11 are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[1] A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inch.

(c) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in § 457-11; or

(d) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

D. Any land area used as a nonstructural stormwater management measure to meet the performance standards in §§ 457-10, 457-11, and 457-12 shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate

County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

E. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 457-15, or found on the Department's website at www.njstormwater.org.

§ 457-10. Stormwater runoff quantity standards.

This section contains minimum design and performance standards to control erosion and control stormwater runoff quantity impacts of major development.

A. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

B. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 457-11, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, postconstruction runoff hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses, assuming full development under existing zoning and land use ordinances in the drainage area; or

(3) Design stormwater management measures so that the postconstruction peak runoff rates for the two-, ten-, and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the postconstruction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to postconstruction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge.

C. Any application for a new agricultural development that meets the definition of major development as set forth in § 457-6 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development"

means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

§ 457-11. Stormwater runoff quality standards.

A. Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)
0	0.0000
5	0.0083
10	0.0166
15	0.0250
20	0.0500
25	0.0750
30	0.1000
35	0.1330
40	0.1660
45	0.2000
50	0.2583
55	0.3583
16	0.6250
65	0.8917
70	0.9917
75	1.0500
80	1.0840
85	1.1170
90	1.1500

Table 1: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)
95	1.1750
100	1.2000
105	1.2250
110	1.2334
115	1.2417
120	1.2500

B. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 457-15, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in § 457-15. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, New Jersey 08625-0418.

C. If more than one BMP in series is necessary to achieve the required eighty-percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100$$

Where:

R = Total TSS percent load removal from application of both BMPs

A = TSS percent removal rate applicable to the first BMP

B = TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention systems	90%
Constructed stormwater wetland	90%
Extended detention basin	40% to 60%
Infiltration structure	80%
Manufactured treatment device	See § 457-14C
Sand filter	80%

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Vegetative filter strip	60% to 80%
Wet pond	50% to 90%

D. If there is more than one on-site drainage area, the eighty-percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.

E. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the postconstruction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in §§ 457-10, 457-11, and 457-12.

F. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in § 457-15.

G. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

H. Special water resource protection areas shall be established along all waters designated Category 1 at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category 1 waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category 1 waters. These areas shall be designated and protected as follows:

(1) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

(a) A three-hundred-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the center line of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession.

(b) Encroachment within the designated special water resource protection area shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special

water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or center line of the waterway where the bank is undefined. All encroachments proposed under this subsection shall be subject to review and approval by the Department.

(2) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

(3) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(a) Stabilization measures shall not be placed within 150 feet of the Category 1 waterway;

(b) Stormwater associated with discharges allowed by this section shall achieve a ninety-five-percent TSS postconstruction removal rate;

(c) Temperature shall be addressed to ensure no impact on the receiving waterway;

(d) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

(e) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(f) All encroachments proposed under this section shall be subject to review and approval by the Department.

(4) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Subsection H has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Subsection H shall maintain or enhance the current functional value and overall condition of the special water resource protection area

as defined in Subsection H above. In no case shall a stream corridor protection plan allow the reduction of the special water resource protection area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

(5) Subsection H does not apply to the following types of construction:

(a) Construction of an individual single-family dwelling on an existing vacant lot, provided that construction of the dwelling commences prior to February 2, 2009.

(b) Construction of an individual single-family dwelling as part of a larger planned development on a lot receiving minor, preliminary or final subdivision approval on or before February 2, 2004, provided that the construction of said dwelling commences on or before February 2, 2009.

§ 457-12. Groundwater recharge standards.

This section contains minimum design and performance standards to encourage and control infiltration and groundwater recharge. The minimum design and performance standards for groundwater recharge are as follows:

A. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations within § 457-13, either:

(1) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or

(2) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to postconstruction for the two-year storm is infiltrated.

B. The following types of stormwater shall not be recharged:

(1) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with a Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(2) Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial

machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

C. The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

§ 457-13. Calculation of stormwater runoff and groundwater recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using one of the following methods:

(a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4, Hydrology, and Technical Release 55, Urban Hydrology for Small Watersheds; or

(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

(2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology and the Rational and Modified Rational Methods. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of

stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55, Urban Hydrology for Small Watersheds, and other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

(1) The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual at http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

§ 457-14. Standards for structural stormwater management measures.

A. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

B. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 457-16A.

C. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion-resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

D. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.

E. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins in § 457-16.

F. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be

utilized, provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established within this chapter.

G. Manufactured treatment devices may be used to meet the requirements of this chapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

§ 457-15. Sources for technical guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey 08625; telephone (609) 777-1038.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

(2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

(1) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

(2) The Rutgers Cooperative Extension Service, (732) 932-9306; and

(3) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. Information pertaining to each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540.

§ 457-16. Safety standards for stormwater management basins.

This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

A. The requirements for trash racks, overflow grates and escape provisions are as follows:

(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

(d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(a) The overflow grate shall be secured to the outlet structure but be removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) For purposes of this subsection, "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

(a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in § 457-16B below, a freestanding outlet structure may be exempted from this requirement.

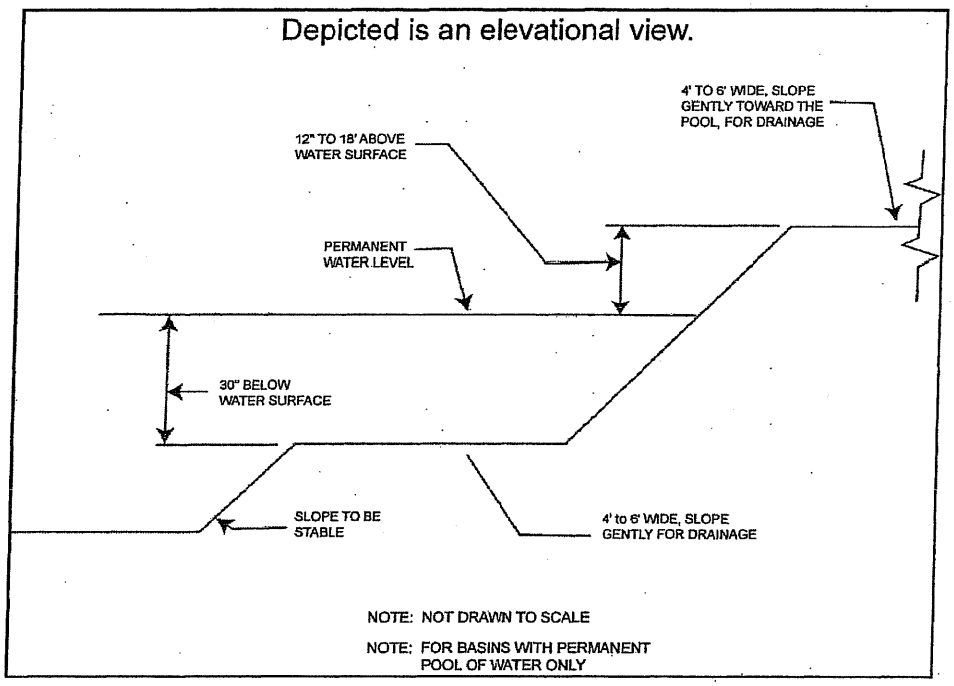
(b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one

foot to 1 1/2 feet above the permanent water surface. See below for an illustration of safety ledges in a stormwater management basin.

(c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

B. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

Illustration of Safety Ledges in a New Stormwater Management Basin



§ 457-17. Site development stormwater plan.

A. Submission of site development stormwater plan.

(1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the checklist for the site development stormwater plan within § 457-17C below as part of the submission of the applicant's application for subdivision or site plan approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.

(3) The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with § 457-17C of this chapter.

B. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

C. Checklist requirements.

(1) The following information shall be required:

(a) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category 1 waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

(b) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(c) Project description and site plan(s). A map (or maps) at the scale of the proposed site plan drawings indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(d) Land use planning and source control report. This report shall provide a written and graphical demonstration of how the goals and standards of this chapter are being met. The focus of this report shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(e) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the proposed site plan drawings, shall be included:

[1] Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

[2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations.

[1] Comprehensive hydrologic and hydraulic design calculations for the predevelopment and postdevelopment conditions for the design storms specified in this chapter.

[2] When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(g) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 457-18.

(2) Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the municipal engineer, waive submission of any of the requirements when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

ARTICLE IV
Stormwater Management Measures, Maintenance and Repair

§ 457-18. Maintenance and repair.

A. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

B. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best

Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

C. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

D. If the person responsible for maintenance identified under Subsection B above is not a public agency, the maintenance plan and any future revisions based on Subsection G below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

E. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

F. The person responsible for maintenance identified under Subsection B above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

G. The person responsible for maintenance identified under Subsection B above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

H. The person responsible for maintenance identified under Subsection B above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections F and G above.

I. The requirements of Subsections C and D above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

J. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.

K. Nothing in this chapter shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Chapter 466

STREETS AND SIDEWALKS

ARTICLE I
Street Obstructions; Snow and Ice

§ 466-1. Prohibitions.

ARTICLE II
Excavations and Openings

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§ 466-3. Application.
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§ 466-10. Damage to road surface.
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ARTICLE IV
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§ 466-14. Notice to cut.
§ 466-15. Direction of Principal Public Works Manager; owner's refusal or neglect.
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ARTICLE V
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ARTICLE VI
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§ 466-20. Liability for damage.
§ 466-21. Fine.
§ 466-22. Enforcement.

[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Driveways — See Ch. 219.

Subdivision of land — See Ch. 470.

ARTICLE I
Street Obstructions; Snow and Ice
[Adopted by Ord. No. 11-82 (Sec. 3-5 of the 1972 Revised General Ordinances)]

§ 466-1. Prohibitions.

No person shall:

A. Obstruct or damage any street or public road in the Township by depositing, placing, dumping, throwing or spilling stones, earth, dirt, debris or other materials or things thereon.

B. Throw, place or deposit any snow or ice into or upon any street in the Township, it being the intent and purpose of this provision to prohibit any person from throwing, casting, placing or depositing snow and ice which accumulates within the private property belonging to or under the control of that person upon the sidewalks, streets or public roads of the Township.

C. Place or store any structure, equipment or materials of any kind on any street in the Township at any time or for any purpose unless expressly permitted by law or ordinance. Such structure, equipment or materials shall be placed in such a manner so as not to impede or divert the natural flow of drainage waters on or along such street or public road and the gutters or drainage thereof.

D. Discharge waters or other liquids or semiliquids on any street or public road in the Township in any manner; this shall not apply to waters that may flow or pass upon a street or public road by virtue of natural drainage or because of the slope or topography of the land.

E. Obstruct any gutter or drainage ditch or any portion thereof serving the street or public road by filling or otherwise depositing stones, earth, dirt, debris, snow, ice or other materials or things or by any other means.

ARTICLE II
Excavations and Openings
[Adopted by Ord. No. 12-91 (Sec. 15-1 of the 1972 Revised General Ordinances)]

§ 466-2. Permit required.

It shall be unlawful for any person to make any excavation in or to open or tear up the surface of any road or street in the Township for the maintenance of which the Township Committee is responsible, for any purpose whatsoever, without a written permit first being obtained from the Building Inspector as hereinafter provided.

§ 466-3. Application.

A. Any person desiring to tear up, open or make excavation in any Township road shall first submit an application, in writing, for a permit therefor, together with detailed plans

indicating and describing in detail the work to be performed, the estimated length of time required to perform the same and the estimated cost thereof.

B. The application for a permit shall be accompanied by a deposit of money sufficient to cover the fee for such opening, as such fee may be adopted from time to time by the Township Committee and set forth in a schedule to be maintained in the office of the Township Clerk and set forth in § 245-2E of this Code.

§ 466-4. Conditions of permit.

Permits for any excavation in any of the roads or streets referred to herein shall be granted only upon the following conditions, and such other conditions as may from time to time be hereafter adopted:

A. Any excavation shall be properly guarded by the permittee by the erection of suitable barriers and notices of such excavation by day and sufficient and suitable lights at night, and by such other reasonable structures or notices as the Township Engineer shall prescribe.

B. If any excavation is to extend for the full width of the road, only 1/2 of the road shall be excavated at one time, which half shall be backfilled before the remaining 1/2 is excavated, in order that public travel over such road may remain open at all times.

C. All excavations and backfilling of the same shall be made within the time prescribed in the permit therefor.

D. The pavement or surface of any road or street in which an excavation has occurred must be restored by the permittee to the same extent and in the same manner as existed prior to the excavation.

E. A permittee must restore any pavement to any road or street excavated, and the money deposited for the restoration of the pavement will be returned upon satisfactory completion of the repair and restoration of the pavement excavated. In the event a permittee fails to restore the pavement in a satisfactory manner and within the time specified in the permit, the Building Inspector shall arrange to have the road department restore the pavement and charge the cost thereof against the deposit made by the permittee. In the event the deposit is not sufficient to pay the cost of such restoration and repair, the permittee shall pay the difference immediately upon demand. Failure of the permittee to restore the pavement in a satisfactory manner within the time specified in the permit shall be considered as a violation of this section and shall subject the permittee to the penalties provided herein.

F. When it becomes necessary to open the paved section of any road, such opening shall not be less than two feet wide nor more than three feet at the top, nor shall any opening be less than three feet square, and the sides of such opening shall be perpendicular at the top and converged toward the bottom so that the width at the bottom shall be less than and not greater than the width at the surface of the pavement.

G. Tunneling will not be permitted under any circumstances and shall be an unlawful exercise of the privilege under any permit and a violation thereof.

H. Whenever possible, the permittee shall make the necessary excavation on either side of the pavement in order to make his/her connection, rather than excavating the pavement proper. In order to reach a main on the opposite side, (s)he shall drive a pipe from one excavation to the other so as not to disturb the pavement.

I. The permittee shall backfill the excavation within the time specified in the permit, and if not done within that time and no extension of time has been obtained, the same shall be deemed a violation thereof. The material for backfill shall be bank-run gravel or earth and crushed stone or crushed gravel in even quantities, with no stone larger than six inches. Not more than six inches of material shall be backfilled at one time and the same shall be thoroughly moistened and tamped until thoroughly compacted. All excess material shall be removed from the roadway.[1]

J. Whenever an opening discloses the fact that there is not sufficient covering to prevent the freezing of the water, gas or sewer pipe, the same shall be lowered to not less than four feet from the surface of the pavement, at the expense of the owner.

K. All work to be done in any excavation or opening of any road or street shall be subject to the supervision in the manner of such excavation or opening by the Township Engineer, or such duly authorized representative or agent as either of such officials may designate in his/her place and stead.

L. All of the expense of excavating or opening any road or street and backfilling the same, or any portion thereof, shall be at the sole expense and liability of the permittee, and the Township or any of its officers or agents or employees shall not be responsible or liable for any part thereof. All repairs shall be maintained at the expense of the permittee for one year after the completion of same, and no highway shall be encumbered for a longer period than shall be necessary to execute the work.

M. Any opening or excavation in, on or under any road or street referred to herein for which a permit shall be granted by the Township shall be performed at the sole liability of the permittee, and the Township shall not be liable to any person or party injured or damaged as a result thereof. The permittee shall further indemnify and save harmless the Township from any cost or expense to the Township as a result of any claims for damage or injury suffered by any person as a result of any such excavation or opening in any such road or street referred to herein and forming the subject matter of any permit.

§ 466-5. Deposit, letter of credit, guaranty for fees.

Any application for opening or causing any excavation in, on or under any road or street of the Township, or for which the Township Committee is responsible, shall be accompanied by a cash deposit, letter of credit or guaranty in such amount as may be contained in any schedule adopted for any of the purposes herein by the Township Committee, which schedule of fees shall be published and maintained in the office of the Township Clerk. The Township Committee may accept in lieu of any required deposit for any permit to be granted hereunder, a written guaranty or contract from the person, party or entity making application for such permit, agreeing to make prompt and satisfactory restoration and repair of the road or street

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

opened or excavated. The Township shall retain 5% of the required deposit to cover costs incurred by the Township in the issuance of permits and as inspection fees.

§ 466-6. Applicability of other laws.

Any excavation or opening made in any road or street referred to herein in any part of this section shall be subject at all times to all laws of the United States of America, of the State of New Jersey and to any other appropriate regulation adopted by the Township or other governmental body having lawful jurisdiction to impose any such law or regulation governing the use of such street or road.

§ 466-7. Certificate of cost for work by Township.

In the event that any permittee violates the conditions of its permit, or otherwise fails to restore any road or street in sufficient manner as required herein, and the Township is required to make such restoration at its own cost and expense, a certificate of the reasonable cost and expense in effecting such restoration shall be prepared by the Township Engineer, and upon being certified to by this official, such certificate of cost shall be final and conclusive as to the amount thereof, and such amount shall thereafter be immediately due and payable by the permittee upon presentation of the certificate to the permittee.

§ 466-8. Refund of deposit.

A permittee shall notify the Building Inspector, or any agent or representative duly authorized by such official, promptly upon the completion of any restoration of the road or street following any opening or excavation therein, and upon the approval and certification thereof, in writing, the permittee shall be entitled to the refund of any deposit or sum to which it might be entitled or otherwise to the cancellation of any letter of credit or guaranty posted by the permittee.

§ 466-9. Storage of materials.

It shall be unlawful for any person to place materials of any description whatever, structures, vehicles, equipment or other matter of any nature whatever for storage upon or along any Township road or street or other road or street which the Township shall have the responsibility of maintaining without first obtaining a permit therefor from the Building Inspector. No such permit shall be issued, except on the following conditions or upon such other conditions as may be hereafter adopted from time to time by the Township Committee:

A. A permit for temporary storage of materials may be issued for a brief period of time as may be reasonably required in the judgment of the Building Inspector for the purposes required.

B. The application for a permit shall describe the material in detail, giving quantity, weight or dimensions and particulars thereof.

C. Any materials stored or placed on any road or street referred to herein shall be adequately protected, safeguarded and lighted at all times in such manner as may be designated by the Building Inspector. Appropriate notice of such storage or placement shall be given to the traveling public upon such signs or in such manner as the Building Inspector shall designate. The permittee shall be responsible for the erection and removal of any barriers, signs or other structures involved in protecting such materials and in warning the public thereof.

D. The permittee shall be liable at all times to any persons damaged or injured by such storage or placement of materials and shall be solely and fully responsible to all persons affected by such action and shall further indemnify and save harmless the Township, its officers, agents and employees from any claims or actions, expense or damage or injuries resulting therefrom.

E. No materials shall be stored upon any road or street referred to herein at any time in any manner so as to permit less than 18 feet of way open to travel by the public.

F. No materials, structures or equipment shall be placed at any time in any manner so as to interfere with or divert the flow of water along such road or street or in the gutters thereof.

G. Applications for any permit hereunder shall be accompanied by a cash deposit, letter of credit or other contractual guaranty or indemnification in such amount and in such manner as shall be set forth in a schedule of fees for such purposes now or hereafter adopted by the Township Committee and maintained in the office of the Township Clerk.

ARTICLE III
Obstructions; Maintenance
[Adopted by Ord. No. 12-91 (Sec. 15-2 of the 1972 Revised General Ordinances)]

§ 466-10. Damage to road surface.

The disturbing or tearing up of any Township road by the locking of wheels of any vehicle or attaching a drag or other mechanism to the same likely to cause injury to the road is hereby prohibited in the Township.

§ 466-11. Debris in gutters.

The filling of gutters along any Township road by dirt, fill, earth or other materials is hereby prohibited, irrespective of the manner or distance by which such dirt, fill, earth or other materials shall travel before reaching the Township road.

§ 466-12. Debris in roadway.

The obstruction or damage to any Township road by the spilling, filling, flowing or throwing of stones, dirt, earth or other materials therein is hereby prohibited.

§ 466-13. Diversion of water onto roadways.

The diversion of surface and other waters to and upon Township roads, drains, gutters and culverts is hereby prohibited in the Township.

ARTICLE IV
Trimming of Plant Life
[Adopted by Ord. No. 2000-10 (Sec. 15-3 of the 1972 Revised General Ordinances)]

§ 466-14. Notice to cut.

The owner or tenant of lands lying within the limits of the Township of Fredon shall keep all brush, hedges and other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways cut to a height of not more than 2 1/2 feet where it shall be necessary and expedient for the preservation of the public safety within 10 days after notice from Fredon Township Principal Public Works Manager to cut the same.

§ 466-15. Direction of Principal Public Works Manager; owner's refusal or neglect.

The cutting shall be by or under the direction of the Fredon Township Principal Public Works Manager. In cases where the owner shall have refused or neglected to cut the same in the manner and within the time provided above, the Township may perform such maintenance.

§ 466-16. Charges against land.

Where brush, hedges and other plant life are cut from any lands pursuant to this article by or under the direction of the Fredon Township Principal Public Works Manager, said officer shall certify the cost thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands or, in the event that such cost is excessive, to cause the reasonable cost thereof to be charged against said lands.

§ 466-17. Lien upon lands.

The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

ARTICLE V
Construction of Roads, Driveways and Curbs
[Adopted by Ord. No. 12-91 (Sec. 15-4 of the 1972 Revised General Ordinances)]

§ 466-18. Permit required; conditions.

No person shall construct any road, driveway, curb or other structure intersecting with or entering upon any Township road or street, or other road or street which the Township is

responsible for maintaining, without first submitting a detailed plan of such curb, driveway or intersecting road to the Building Inspector and without obtaining a permit therefor, in writing, and without posting such cash deposit, letter of credit or other guaranty in such amount as may be adopted now or hereafter by the Township Committee and contained in a schedule published and maintained in the office of the Township Engineer.

§ 466-19. Debris in roadway.

No person shall place any earth, dirt, stones or other materials or articles upon any Township road, or any part thereof, except in accordance with the provisions of this chapter. No person shall do or cause to be done any act, including the construction of buildings, private roads, grading, landscaping or otherwise, which shall cause or result in the accumulation of dirt, silt, earth or other materials upon any Township road, stormwater drain, gutter or culvert.

ARTICLE VI
Violations; Enforcement
[Adopted by Ord. No. 12-91 (Secs. 15-5 and 15-6 of the 1972 Revised General Ordinances)]

§ 466-20. Liability for damage.

Any person violating any provision of this chapter which results in damage to or obstruction of any Township road, gutter, storm drain or culvert shall be responsible for all expenses incurred by the Township in repairing such damage or removing such obstructions, in addition to the penalties herein provided.

§ 466-21. Fine. [Amended by Ord. No. 99-06]

Any person who shall violate any provision of this chapter shall be liable for penalties in accord with the schedule shown in § 1-3.

§ 466-22. Enforcement.

The Building Inspector is charged with the enforcement of all the provisions of these regulations and is hereby designated as the agent acting for the Township Committee.

Chapter 470

SUBDIVISION OF LAND

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Table A: Minimum Road Design Standards for Road Acceptance

Submission Requirements Checklist; Form A: General Requirements for All Applications

Submission Requirements Checklist; Form B: Minor Site Plan Application

Submission Requirements Checklist; Form C: Minor Subdivision Application

Submission Requirements Checklist; Form D: Preliminary Major Site Plan Application

Submission Requirements Checklist; Form E: Preliminary Major Subdivision Plan Application

Submission Requirements Checklist; Form F: Final Major Site Plan Application

Submission Requirements Checklist; Form G: Final Major Subdivision Application

Submission Requirements Checklist; Form H: Variance Application

Submission Requirements Checklist; Form I: Wireless Communication Tower Application

Submission Requirements Checklist; Form J: Agricultural Subdivision Application

[HISTORY: Adopted by the Township Committee of the Township of Fredon 5-6-1957; amended in its entirety 11-22-2010 by Ord. No. 2010-12 (Ch. IX of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures — See Ch. 45.
Uniform construction codes — See Ch. 200.
Driveways — See Ch. 219.
Flood control — See Ch. 270.
Site plan review — See Ch. 424.
Soil erosion and sediment control — See Ch. 441.
Soil removal — See Ch. 446.
Stormwater control — See Ch. 457.
Streets and sidewalks — See Ch. 466.
Zoning — See Ch. 550.

ARTICLE I
General Provisions

§ 470-1. Short title.

This chapter shall be known and may be cited as "The Land Subdivision Ordinance of Fredon Township."

§ 470-2. Purpose.

The purpose of this chapter shall be to promulgate rules, regulations and standards to formulate and guide land subdivisions in the Township in order to effectuate and promote the public health, safety, convenience and general welfare of the Township and the inhabitants thereof. It shall be administered to ensure the orderly growth and development and the conservation, protection and proper use of land and to provide adequate provisions for circulation, utilities and services.

§ 470-3. Construal of provisions.

This chapter shall not be construed as superseding or repealing the zoning ordinances of the Township or any part thereof. All other ordinances which are inconsistent with the provisions of this chapter shall be deemed superseded to the extent of such inconsistency.

§ 470-4. Administration.

A. The approval provisions of this chapter shall be administered by the Township Planning Board and, where permitted by statute, the Zoning Board of Adjustment, in accordance with all applicable provisions of N.J.S.A. 40:55D-1 et seq.

B. In all the articles and chapters which follow, the Planning Board is named as the approving agency. However, in instances where the Zoning Board of Adjustment is the approving agency, in accordance with N.J.S.A. 40:55D-76, the procedures and requirements of this chapter shall be the same as those specified with respect to the Planning Board, except where specific reference is made to the Zoning Board of Adjustment.

§ 470-5. Time for decisions.

A. Failure of the board to render a decision within the time prescribed by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. The time periods for approval shall be as follows, from the date the Township Engineer determines the application to be complete:

(1) Minor subdivision: 45 days.

(2) Preliminary subdivision:

(a) More than 10 lots: 95 days.

(b) Ten or fewer lots: 45 days.

(3) Final subdivision approval: 45 days.

(4) Combined application:

(a) For a subdivision plat, site plan or conditional use permit and certain zoning variances or direction of the issuance of a permit for a building not related to a street or in an area designated on the Official Map for public acquisition or use: 95 days.

(b) For a subdivision plat and/or a conditional use permit and/or site plan: the time period for approval shall be the longest time allowed for action by the Planning Board, whether it is for a subdivision, conditional use or site plan approval.

B. If an application is found to be incomplete, the applicant must be notified within 45 days.

C. If any application involves variances from lot area, lot dimension, setback or yard requirements, the time for action shall be 120 days.

D. All subdivision applications processed by the Zoning Board of Adjustment shall be completed within 120 days.

E. All times may be extended with consent of the applicant.

§ 470-6. Minimum standards; variances.

The rules, regulations and standards contained in this chapter shall be considered the minimum requirements for the protection of the public health, safety and welfare of the Township citizens. Any action taken by the approving agency under the terms of this chapter shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the subdivider or his/her agent can clearly demonstrate that, because of the peculiar conditions pertaining to his/her land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the approving agency may permit such variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

§ 470-7. Fees and deposits.

A. Application filing fees, as set forth in Article VIII of Chapter 45, Land Use Procedures, covering administration and overhead, shall be charged to the subdivider for a subdivision and shall be collected by the Township Clerk or by such person that may be appointed as Board Secretary at the time of submission of an application of the Planning Board for approval.

B. The deposits, as set forth in Article VIII of Chapter 45, Land Use Procedures, shall be submitted by the subdivider at the time of submission of an application to the Planning

Board for approval. The deposit shall cover the cost of engineering, legal and professional planner review and documentation fees and disbursements.

(1) The Township shall tabulate the costs of the Planning Board, Township Engineer, Planning Board Engineer, Planner and Planning Board Attorney, their staffs and any additional experts required for a proper review and documentation. These costs shall be deducted from the engineering/planning/legal review fee deposit. Where the review costs exceed, or are anticipated to exceed, the review fee deposit, the subdivider shall pay the additional amount prior to the signing of any plat. Failure to remit the additional required deposit within 15 days of request shall result in cessation of professional reviews and Board administration, and no further proceedings or action shall be taken by the Planning Board until after compliance. Where the review fee costs are less than the review fee deposit, the difference shall be refunded to the subdivider.

(2) No final action on an application for development shall be undertaken until all escrow deposit fees relating to such application shall have been paid in full. Every resolution of memorialization adopted by the Planning Board pursuant to N.J.S.A. 40:55D-10(g.) shall be expressly conditioned upon the applicant making payment in full of all sums due or to become due on account of such escrow account within 20 days of the date of being billed therefor by the Township in default of which the Planning Board may thereupon, or at any time thereafter, after notice to the applicant of such proposed action and a reasonable opportunity for the applicant to be heard with respect thereto (or to cure any default in payment obligations) declare such resolution of memorialization and any relief granted pursuant thereto to be null, void and of no further effect.

C. The applicant shall estimate the costs of improvements required as part of the subdivision approval by the Planning Board and shall submit same to the Township Engineer, who shall then tabulate an inspection fee deposit to cover the costs of inspection of the construction of the improvements on the site. The amount of the deposit shall be based upon the estimated costs of improvements, as set forth in Article VIII of Chapter 45, Land Use Procedures. The inspection fee deposit shall be paid to the Township Clerk or such person that may be appointed as Board Secretary prior to final approval of the subdivision. In the event that the inspection costs are less than the inspection fee deposit, the difference shall be refunded to the applicant and shall be subject to the limitations established by N.J.S.A. 40:55D-53(h).

ARTICLE II
Terminology

§ 470-8. Definitions.

A. As used in this chapter, the following words shall have the meaning hereinafter set forth:

APPLICANT — A developer submitting an application for subdivision review.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned

development, conditional use, zoning variance, or permit to build in a mapped area or for a structure not related to a street.

DEVELOPER — The legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, or landfill; any change in the use of any structure or land; or extension of the use of land.

DRAINAGE RIGHT-OF-WAY OR EASEMENT — The lands reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream of water for preserving the biological as well as drainage function of the channel and providing for the flow of water therein to safeguard the public against flood damage, sedimentation and erosion in accordance with all applicable rules and regulations.

FINAL APPROVAL — The official action of the Planning Board taken on an approved preliminary plat after all requirements, conditions, engineering plans, etc., have been completed and the required improvements installed or bonds properly posted for their completion, or approval conditioned upon the posting of such bonds. A plat that receives such final approval must have been prepared by a land surveyor in compliance with all the provisions of N.J.S.A. 46:23-9.9 et seq., and is the map which must be filed with the County Clerk in accordance with N.J.S.A. 40:55D-54 in order to make the approval binding.

FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with these regulations and which if approved shall be filed with the proper county recording officer.

GENERAL TERMS AND CONDITIONS — Use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements, except that nothing herein as defined shall be construed to prevent the Township from modifying, by ordinance, such general terms and conditions of preliminary approval as relate to the public health and safety.

LOT — A parcel, plot or area of land, legally established, with precise boundaries determinable from a deed description or map filed in the office of the County Clerk.

MAJOR SUBDIVISION — Any subdivisions not classified as a minor subdivisions.

MASTER PLAN — A composite of one or more written or graphic proposals recommending the physical development of the Township which shall have been duly adopted by the Township Planning Board.

MINOR SUBDIVISION — Any division of land that does not involve:

(1) The creation of more than two new lots plus remainder, for a total of three lots fronting upon an existing accepted public street or upon or otherwise approved by the Township Committee for the purpose of issuing building permits, within a

three-year period, from any parcel, regardless of how the title to such parcel may have been held or transferred during such three-year period;

(2) Any planned development;

(3) Any new street or the extension of the Township facilities;

(4) The extension of any off-tract improvement; or

(5) A conflict with any provisions or portion of the Master Plan or the Official Map.

MINOR SUBDIVISION PLAT — The final map of a minor subdivision which is presented to the Planning Board for approval.

OFFICIAL MAP — A map adopted by the governing body of Fredon in accordance with the provisions of N.J.S.A. 40:55D-32 et seq. Such a map shall be deemed to be conclusive with respect to the location and width of streets and drainage rights-of-way and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence.

OFF-SITE — Located outside the lot lines of the lot in question, but within the property of which the lot is a part, which is the subject of the development application or contiguous portion of a street or right-of-way.

OFF-TRACT — Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE — Location on the lot in question and excluding any abutting street or right-of-way.

ON-TRACT — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OWNER — Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PERFORMANCE GUARANTEE — Any security which may be accepted by Fredon Township, including but not limited to performance bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash.

PLAT — A map or maps of a subdivision pursuant to the provisions of this chapter.

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to this chapter, prior to final approval, after specific elements of a development plan have been agreed upon by the approving authority and the applicant. Such preliminary approval confers upon a subdivider all rights provided for by virtue of the provisions of N.J.S.A. 40:55D-49.

PRELIMINARY PLAT — The preliminary map indicating the proposed layout of the subdivision which is submitted to the Planning Board Secretary for Planning Board

consideration and tentative approval and meeting requirements of Article IV of this chapter.

PUBLIC DRAINAGE WAY — The land reserved and dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological, as well as drainage, function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

RESUBDIVISION — The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but shall not include conveyances so as to combine existing lots by deed or other instrument.

STREET — Any avenue, boulevard, road, lane, parkway, viaduct, drive, alley or other way which is an existing state, county, or Township roadway, or which is shown upon a plat, heretofore approved pursuant to law, or is approved by official action as provided by the Municipal Land Use Law, or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

(1) ARTERIAL STREETS — Are those which are used primarily for fast or heavy traffic.

(2) COLLECTOR STREETS — Are those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of residential development and streets for circulation within such a development.

(3) MINOR, LOCAL STREETS — Are those which are used primarily for access to the abutting properties.

(4) MARGINAL ACCESS STREETS — Are those which are parallel or adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

(5) RURAL STREETS — Are those which serve dwellings on lots that are one acre or greater, primarily serve as access to abutting building lots, have no on-street parking, and have lot-to-street access designed so that vehicles do not back out of lots onto the street.

(6) RURAL LANES — Are those which serve dwellings on lots that are two acres or greater, primarily serve as access to abutting building lots, have no on-street parking, and have lot-to-street access designed so that vehicles do not back out of lots onto the street.

(7) ALLEYS — Are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

(8) CULS-DE-SAC — Are dead-end streets having a turnaround, which provides access to adjacent lots.

SUBDIVIDER — An applicant for development.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development, including lot line adjustments. The following shall not be considered subdivisions provided no new streets are created:

(1) Divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairperson to be for agricultural purposes where all resulting parcels are five acres or larger in size (see § 470-11 for additional provisions).

(2) Divisions of property by testamentary or intestate provisions.

(3) Divisions of property upon court order, including, but not limited to, judgments of foreclosure.

(4) Consolidation of existing lots by deed or other recorded instrument.

(5) The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of Chapters 470 and 550 and are shown and designated as separate lots, tracts or parcels on the Township Tax Map.

(6) The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION REVIEW COMMITTEE — A committee of at least three Planning Board members, appointed by the Chairperson of the Board, for the purpose of classifying subdivisions in accordance with the provisions of this chapter and performing such other duties relating to land subdivision as may be conferred on the committee by the Board.

B. Any word, term or phrase as hereinabove described which is inconsistent with those as defined in the Residential Site Improvement Standards (RSIS) shall be defined in the RSIS.

ARTICLE III
Minor Subdivisions

§ 470-9. Submission of application.

Any owner of land wishing to subdivide or resubdivide land within the Township, wherein such subdivision meets, or appears to meet, the definition as contained in this chapter for minor subdivision, shall file an original and 18 copies of a minor subdivision application together with 18 copies of the proposed minor subdivision plat, together with a fee as set forth

in Article VIII of Chapter 45, Land Use Procedures. All development applications shall be completed in accordance with the attached checklist Forms A through J.[1]

§ 470-10. Planning Board approval.

If approved as a complete application for a minor subdivision by action of the Planning Board, a notation to that effect shall be made on the minor subdivision plat. The Planning Board may condition such approval on terms insuring the provisions of improvements pursuant to Sections 29, 29.1, 29.2, and 41 of the Municipal Land Use Law, C. 291, P.L. 1975, N.J.S.A. 40:55D-1 et seq. The Planning Board Chairperson and Planning Board Secretary shall then affix their signatures on the plat upon receipt of the report of the County Planning Board review or upon the expiration of the time in which the county may make such a report as hereinafter set forth.

§ 470-11. Agricultural divisions of land.

Applications made pursuant to the provisions of the Municipal Land Use Law, particularly by N.J.S.A. 40:55D-7, the definition of subdivision, exception number (1), which provides for: divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size, shall require the following procedures, submittals and proofs:

A. A sketch plat of the proposed agriculturally exempt division shall be prepared and 18 copies thereof provided to the Planning Board Secretary, accompanied by an application fee as set forth in Article VIII of Chapter 45, Land Use Procedures. The sketch plat shall be completed in accordance with the attached checklist Forms A through J.[2]

B. For purposes of notice of the application in accordance with N.J.S.A.40:55D-12, the application shall comply with the notice requirements of Chapter 45, Land Use Procedures, and shall be treated as a minor subdivision for notice requirements, only.

C. A hearing shall be held upon the application upon proper, timely and adequate notice thereof in accordance with Chapter XI, Land Use Procedures, in the presence of the applicant who shall testify, under oath, as to the intent and purpose of the proposed agriculturally exempt division and, particularly, as to what, if any, practical difficulty or undue hardship would attend the submission and review of the application as a conventional (non-agriculturally exempt) subdivision (minor or major) and shall further demonstrate that one or more of the following criteria will be met by the proposed agriculturally exempt division:

   (1) The division will enable the conveyance and/or exchange of lands between adjoining property owners, whose properties are actively devoted to agricultural or horticultural purposes and qualify for and are, in fact, assessed under the Farmland Assessment Act of 1964.

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1. **Editor's Note: Said forms are included at the end of this chapter.**

2. **Editor's Note: Said forms are included at the end of this chapter.**

(2) The division is for the purpose of modifying, shifting and/or relocating common boundary lines between adjoining parcels which are actively devoted to agricultural or horticultural purposes and qualify for and are, in fact, assessed under the Farmland Assessment Act of 1964.

(3) The division is for the purpose of providing access for agricultural-only (and not residential or any other forms of development) purposes to a parcel which does not presently have frontage upon an existing approved and improved public street and has no access easement attending same, the applicant being required to demonstrate why a conventional access easement is not sufficient for the intended purposes.

(4) The division is for estate planning purposes, where the applicant, who shall be the owner of the subject property, clearly demonstrates to the Planning Board that divisions of lands by testamentary or intestate provisions, as specifically enabled by N.J.S.A. 40:55D-7, the definition of a subdivision, exception number (2), does not provide an adequate remedy; provided, however, that any such division approved by the Planning Board for these purposes shall be perfected by deed of conveyance from the applicant/property owner to his heirs at law or next of kin, which deed shall specifically contain a prohibition against the obtaining of a building permit for the construction of a residence or any other nonagricultural structure (barns, silos etc., shall be permitted to be constructed) during the lifetime of the applicant.

(5) All other divisions represented by the applicant to be for agricultural purposes provided the resultant parcels are five acres or larger in size and are deed restricted against nonagricultural uses and structures, naming the Township of Fredon, in the County of Sussex, as a third-party beneficiary of such deed restrictions having the right, but not the obligation, to enforce same.

D. All divisions found by the Planning Board in accordance with the foregoing to be agriculturally exempt divisions shall be perfected as in the case of a minor subdivision pursuant to the provisions of the Municipal Land Use Law, particularly N.J.S.A. 40:55D-47(d).

E. In administering applications for agricultural exemption determination, the Planning Board shall compare the intent and purpose of the division proposal with those which attend conventional (nonexempt) subdivisions and determine what, if any, distinctions exist between the two. In the event the applicant fails to satisfy the Land Use Board as to the benefits accruing to the applicant and/or avoidance of detriment to the applicant, by engaging in an agriculturally exempt division (as opposed to a conventional subdivision), the Planning Board shall determine the application not to be exempt and shall enter a finding and a memorializing resolution to that effect, whereupon the applicant shall be free to resubmit same as a conventional (nonexempt) subdivision.

F. All agricultural exempt divisions approved by the Planning Board shall be perfected by deed in accordance with Subsection D above, which deed shall contain a covenant and restriction against the issuance of any building permit for a residence or any other nonagricultural structure unless and until a conventional (nonexempt) subdivision

application is submitted to, reviewed and approved by the Planning Board. The Township of Fredon, in the County of Sussex, shall be made a third-party beneficiary of such deed covenant and restriction, thereby having the right, but not the obligation, to enforce same by any legal or equitable means.

§ 470-12. County Planning Board approval.

Upon the applicant's filing an application for a minor subdivision with the Planning Board Secretary, the applicant shall immediately file a copy of his/her subdivision application with the County Planning Board in accordance with its requirements. Any approval granted by the Planning Board shall be conditioned upon the approval of the application by the Sussex County Planning Board or upon a written determination by said Board that it has no jurisdiction thereof.

§ 470-13. Furnishing of copies.

The Secretary of the Planning Board shall forward one copy to each of the following:

A. Township Planning Consultant.

B. Township Engineer.

C. Township Environmental Commission.

D. Such other Township, county or state officials as directed by the Planning Board.

E. If the property which is the subject of the development application lies within 200 feet of a municipal boundary, a copy of the plat shall be sent by the Planning Board Secretary to the Secretary of the Planning Board of the adjoining municipality. A written statement shall be requested from the adjoining municipality indicating whether the proposed subdivision in the Township of Fredon is also subject to the joint jurisdiction of that adjoining municipality and whether or not a formal application and review is required or requested by the adjoining municipality. The Secretary of the Planning Board of the adjoining municipality shall be informed of the date of the public hearing and any communications received prior to this date shall be considered in relation to the approval or disapproval of the plan.

§ 470-14. Expiration of approval; filing of deed description.

A. Except as provided in Subsection C below, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted, unless within such period a plat in conformity with such approval and the provisions of § 45-9A of Chapter 45, Land Use Procedures, or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Township Engineer and the Township Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairperson and Secretary of the Planning Board.

B. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided in this section.

C. The Planning Board may extend the one-hundred-ninety-day period for filing a minor subdivision plat or deed pursuant to Subsection D below if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

D. The Planning Board shall grant an extension of minor subdivision approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of minor subdivision approval or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

§ 470-15. Notation of major subdivision.

If a plat is not approved as a minor subdivision, a notation to that effect shall be made on the plat which will be returned to the subdivider for compliance with the procedures applicable to a major subdivision as set forth in this chapter.

ARTICLE IV
Major Subdivision Preliminary Plat

§ 470-16. Concept plan submission.

A. A concept plan submission is required for all major subdivision applications, and may be required by the Planning Board for minor subdivision applications. A concept plan discussion may be held at a meeting of the Planning Board or the Subdivision Committee with reference to a conceptually prepared plat of sufficient accuracy to be used for purpose of discussion. In order to prepare the plat, it is recommended that the applicant undergo Steps 1 and 2 of the four-step design process outlined in § 550-101C of Chapter 550, Zoning. The purpose of such a discussion will be to review overall development concepts in order to assist the applicant in the preparation of subsequent plans. No decisions will be made and no formal action will be taken on a concept plan discussion. Discussion and recommendations shall be informal and shall not be binding on the

Planning Board. The Planning Board shall have the right to limit and control the extent, length and scope of such concept plan discussion, to regulate when it may occur, to require prior notice of a request for it and to conclude it in the interests of expediting other business or if the matters being presented, in the judgment of the approving authority, should be presented formally.

B. The Planning Board or its Subdivision Committee may review any application for development or discuss the same with the developer to determine whether the development is a major or minor subdivision or other kind of development; the procedures by which such application is to be processed; and whether the application is complete. Any action taken pertaining to such concept plan submission shall be without prejudice to the rights of the parties to later proceed formally under the procedures elsewhere set forth in this chapter.

C. An informal submission shall be made to the Secretary of the Planning Board and shall be accompanied by a nonrefundable fee, as set forth in Article VIII of Chapter 45, Land Use Procedures, to defer the costs of a summary review thereof by the Planning Board Attorney and Planning Board Engineer.

§ 470-17. Submission of plat for major subdivision.

A. Any owner of land wishing to subdivide or resubdivide land within the Township wherein such subdivision meets, or appears to meet, the definition as contained in this chapter for major subdivisions, shall file at least 18 black-and-white prints of the preliminary plat map, together with 18 completed application forms for preliminary approval with the Planning Board Secretary 30 calendar days prior to the Planning Board meeting at which consideration is required. All development applications shall be completed in accordance with the attached checklist Forms A through J.[3] At the time of filing, a fee as set forth in Article VIII of Chapter 45, Land Use Procedures, shall be paid to the Township Clerk. If the applicant is not the owner of record of the title to the property being subdivided, (s)he shall file a written consent, signed by the owner, consenting to the making of the application. The Secretary of the Planning Board shall forward one copy thereof to the Township Clerk.

B. The developer shall simultaneously file 18 copies of the application with the County Planning Board for its review and recommendations, and where applicable, approval. The applicant shall furnish proof of such submission at the time of the submission of this application to the Municipal Planning Board by presenting a copy of this plat with an indication from the county that it has been filed with them. Any application for subdivision approval shall not be deemed complete in the absence of proof that it has been filed with the County Planning Board. If the County Planning Board has failed to grant or deny approval of the site plan at the time of preliminary approval of the applicant's application, such preliminary approval shall be conditioned on approval of the plat by the County Planning Board.

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3. **Editor's Note: Said forms are included at the end of this chapter.**

C. The Planning Board Engineer shall review the submission for completeness in accordance with Forms A through J,[4] and shall recommend to the Planning Board acceptance or rejection of the submission as a complete application within 45 days of such submission. If the application is incomplete, the application shall be returned to the applicant and the Planning Board Secretary shall state the reason for such rejection.

§ 470-18. Notice of hearing.

If the submission is accepted as complete, a date for the public hearing shall be set and the applicant shall notify all persons entitled to notice of the hearing on the application in accordance with the provisions of Chapter 45, Land Use Procedures, and N.J.S.A. 40:55D-12. If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have already been the subject of a hearing, an amended application shall be submitted and proceeded upon as in the case of the original application for development, including the giving of notice in accordance with the provisions of N.J.S.A. 40:55D-12.

§ 470-19. Forwarding of copies.

Copies of the original preliminary and all revised plat shall be forwarded by the Secretary of the Planning Board prior to the hearing to the following persons:

A. Township Planning Consultant.

B. Township Engineer.

C. Township Environmental Commission.

D. Such other Township, county or state officials as directed by the Planning Board.

E. If the property which is the subject of the development application lies within 200 feet of another municipal boundary, a copy of the plat shall be sent by the Planning Board Secretary to the Secretary of the Planning Board of the adjoining municipality. A written statement shall be requested from the adjoining municipality indicating whether the proposed subdivision in the Township of Fredon is also subject to the joint jurisdiction of that adjoining municipality and whether or not a formal application and review is required or requested by that adjoining municipality. The Secretary of the Planning Board of the adjoining municipality shall be informed of the date of the public hearing and any communications received prior to this date shall be considered in relation to the approval or disapproval of the plat.

§ 470-20. Application amendments; revised plats.

A. After the initial submission of an original application and preliminary plat of a major subdivision, which shall be submitted and filed in accordance with § 470-17A above, in the event the applicant desires or is required to prepare revisions to the originally

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4. **Editor's Note: Said forms are included at the end of this chapter.**

submitted plat and/or submit additional data or documentation in support thereof, the same shall be submitted to the Secretary of the Planning Board at least 15 working days, excluding Saturdays, Sundays and legal holidays, prior to the work or regular meeting of the Planning Board at which consideration or review of the application is expected.

B. In the event the submissions are not made in accordance with the advance filing requirements set forth hereinabove, the revisions shall not be reviewed by the Board's Engineer or Planning Consultant, nor considered by the Planning Board until the next subsequent scheduled work or regular meeting following such late submission.

§ 470-21. Approval.

A. Approval of any application shall be conditioned on certification by the Sussex County Soil Conservation District of a plan for soil erosion and sediment control pursuant to the provisions of Chapter 251, P.L. 1975, N.J.S.A. 4:24-39 et seq.

B. In all cases, the recommendation of the County Planning Board shall be given careful consideration in the final decision of the Township Planning Board. If the County Planning Board has approval authority pursuant to N.J.S.A. 40:27-12, its action shall be noted on the plat, and if disapproved, two copies of the reasons for disapproval shall be returned with the plat. If the Township Planning Board or County Planning Board disapproves a plat, the reasons for disapproval shall be stated in writing and remedied prior to further consideration. If approval is required by any other officer or public body, the same procedure as applies to submission and approval by the County Planning Board shall apply.

C. If the Planning Board acts favorably on a preliminary plat and upon completion of all necessary revisions thereto, the Chairperson and secretary of the Planning Board shall affix their signatures to the plat with a notation that it has received preliminary approval and returned to the subdivider for compliance with final approval requirements.

D. The Planning Board shall, by resolution, set forth its findings of fact and conclusions of law in support of the action taken. A copy of the action taken by the Planning Board shall be forwarded to the Township Clerk.

§ 470-22. Rights granted by approval.

Preliminary approval shall, except as hereinafter set forth, confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:

A. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements, layout and design standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements, except that nothing herein shall be construed to prevent the Township from modifying, by ordinance, such general terms and conditions of preliminary approval as relate to public health and safety.

B. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.

C. That the applicant may apply for, and the Planning Board may grant, extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards shall govern, unless a waiver is granted by the Planning Board.

D. In the case of subdivision of an area of 50 acres or more, the Planning Board may grant the rights referred to in N.J.S.A.40:55D-49(d.) above for such period of time, longer than three years, as shall be determined by the Planning Board to be reasonable, taking into consideration: the number of dwelling units and nonresidential floor area permissible under preliminary approval; economic conditions; and the comprehensiveness of the development. The applicant may apply for thereafter, and the Planning Board may thereafter grant, an extension of preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration: the number of dwelling units and nonresidential floor area permissible under preliminary approval; the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval; economic conditions; and the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards shall govern.

E. Whenever the Planning Board grants an extension of preliminary approval pursuant to N.J.S.A. 40:55D-49(e.) and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

F. The Planning Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of preliminary approval, or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Planning Board from granting an extension pursuant to N.J.S.A. 40:55D-49f.

ARTICLE V
Major Subdivision Final Plat

§ 470-23. Submission of final plat of major subdivision.

A. The final plat and application shall be submitted to the Secretary of the Planning Board 30 calendar days prior to the Planning Board meeting at which consideration is desired, and in accordance with the provisions of Chapter 45, Land Use Procedures.

B. Eighteen black or blue-on-white prints and 18 copies of the completed application shall be submitted to the Secretary of the Planning Board. All development applications shall be completed in accordance with the attached checklist Forms A through J.[5] Unless the preliminary plat is approved without changes, the final plat shall incorporate all changes or modifications required by the Planning Board.

C. The application shall be accompanied by a fee as set forth in Article VIII of Chapter 45, Land Use Procedures, paid to the Secretary of the Planning Board.

D. In addition to the fee required in Subsection C above, the subdivider shall also pay all reasonably necessary inspection fees in connection with the construction of any improvements required under this chapter, or as may from time to time be established by resolution of the Township Committee. Such fees shall be paid to the Planning Board Secretary, unless otherwise directed by the Planning Board and shall be governed by the provisions of N.J.S.A. 40:55D-53(h).

E. Copies of the final plat shall be forwarded by the Secretary of the Planning Board to the following:

(1) Subdivision Committee.

(2) Township Engineer.

(3) Such other officials or agencies as directed by the Planning Board.

§ 470-24. Installation of improvements prior to final approval.

A. Before consideration of a final subdivision plat, the subdivider shall have installed all required improvements, as specified in Article VI of this chapter, under the supervision and inspection of the Township Engineer, except that the Planning Board may accept a performance guarantee approved by the Township Attorney in an amount equal to 120% of the estimated cost of the improvement, of which 10% of the total amount shall be in cash or a certified check for the later installation of the following improvements only:

(1) The final surface course of the street pavement.

(2) Sidewalks.

(3) Interior monuments, in accordance with the provisions of the Map Filing Law.

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5. **Editor's Note: Said forms are included at the end of this chapter.**

(4) Street signs.

(5) Shade trees.

B. The amount of the performance guarantee may be reduced or released in accordance with the provisions of N.J.S.A. 40:55D-53.

§ 470-25. Approval.

A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for final approval and the conditions of preliminary approval have been met, provided that in the case of a planned development, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer, since the date of preliminary approval, without the developer being required to submit another application for development for preliminary approval but the developer shall amend the plats (preliminary and/or final, as the case may be).

B. If final approval is denied, a notice to the effect shall be made on the final plat.

C. If the Planning Board grants final approval on the final plat, the Chairperson and Secretary shall affix their signatures to the plat.

D. The Planning Board shall, by resolution, set forth its findings of fact and conclusions of law in support of the action taken. A copy of the action taken by the Planning Board shall be forwarded to the Township Clerk.

§ 470-26. Distribution of copies.

After final approval, one translucent tracing and one cloth print shall be filed with the Township Clerk. The original tracing and one cloth print shall be returned to the applicant. The applicant shall also submit to the Township Engineer and electronic (CAD) file disk of the approved final plat. Copies of the final plat shall also be filed with the Planning Board and with the following:

A. Township Clerk.

B. Township Engineer.

C. The Board of Education of the local district.

D. Building Inspector.

E. Tax Assessor.

F. Planning Board Attorney.

G. Official issuing certificates for approved lots.

§ 470-27. Filing with County Recording Officer.

A. Within 95 days of the date of adoption of the resolution memorializing the grant of final approval, the subdivider shall submit to the Planning Board Secretary for signature by the appropriate municipal officials in accordance with the provisions of the Map Filing Law the approved final major subdivision plats. For good cause shown, the Planning Board may grant an extension of this ninety-five-day final plat submission for signatures requirement.

B. Within 95 days of signature of the final plats by the appropriate municipal officials in accordance with the provisions of the Map Filing Law, the final plat shall be filed by the subdivider with the County Recording Officer in accordance with the provisions of N.J.S.A. 40:55D-54. For good and sufficient reasons, the Planning Board may extend the time for filing for an additional period not to exceed 190 days from the date of signing of the plat.

C. No plat shall be offered for filing to the County Recording Officer unless it has been duly approved by the Township Planning Board and signed by the Chairperson, Secretary and the Township Engineer.

§ 470-28. Rights granted by approval.

Upon final approval, such approval shall have the following effect:

A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to § 470-22 of this chapter, whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted; provided that the rights conferred by this section shall expire if the plat has not been duly filed within the time period provided in § 470-27B of this chapter. If the developer has followed the standards prescribed for final approval, and has duly recorded the plat as required in § 470-27B of this chapter, the Planning Board may extend such period of protection for extensions of one year but not to exceed three extensions.

B. In the case of a subdivision for a planned development of 50 acres or more or conventional subdivision for 150 acres or more, the Planning Board may grant the rights referred to in Subsection A above for such period of time, longer than two years, as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval; economic conditions; and the comprehensiveness of the development. The developer may apply for thereafter, and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval; the number of dwelling units and nonresidential floor area remaining to be developed; economic conditions; and the comprehensiveness of the development.

C. Whenever the Planning Board grants an extension of final approval pursuant to Subsection A or B above and final approval has expired before the date on which the

extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

D. The Planning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before what would otherwise be the expiration date of final approval, or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this paragraph shall not preclude the Planning Board from granting an extension pursuant to Subsection A or B above.

ARTICLE VI
Improvements

§ 470-29. Required improvements.

Prior to the granting of final approval the subdivider shall have installed the following improvements, except for those set forth in § 470-24 of this chapter:

A. Streets; except the wearing course.

(1) Construction or improvement of any roadway shall be made to conform to the required grade and typical cross-section shown in the plan annexed hereto and made a part hereof.

(2) Easements of a width sufficient to allow proper maintenance shall be provided for the outletting of all drains, pipelines, etc., to streams, existing storm drains or other legal drainage courses. These easements shall be granted to the Township by approved legal procedures.

(3) The subgrade shall be completely drained using the type of drainage the conditions require. Cross drains of the necessary size and length shall be installed where drainage conditions require them. Material used for cross drains must meet the standards set forth in the Residential Site Improvement Standards (RSIS) and New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction and amendments thereto.

(4) All topsoil shall be stripped from the proposed roadbed. After the subgrade has been shaped, it shall be brought to a firm, unyielding surface by rolling with power rollers weighing not less than 10 tons. All soft, spongy material shall be removed from the area and replaced by broken stone, gravel or acceptable earth. All stumps, logs or other material which may decompose shall be removed.

(5) Embankments shall be formed of suitable material placed in successive layers of not more than 12 inches in depth for the full width of the cross-section and shall

be compacted by distributing the necessary hauling uniformly over the preceding layer and by rolling as directed above. No trees, stumps, rubbish or other material which may decompose will be permitted in the fill.

(6) The gravel used in the construction of the pavement shall be from glacial deposits and shall be hard, durable pebbles, mixed with sand and clay so that the material can be compacted into a hard, dense mass, and shall be of a quality approved by the Township Engineer. A substitute for gravel, dense graded aggregate may be used as indicated on typical section.

(7) The paved surface width as shown on the typical section shall be constructed to the proper grade and crown or as directed by the Township Engineer and applied in accordance with New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction and amendments thereto. The subsurfaces shall be rolled and brought to a smooth, parabolic surface, then constructed in accordance with the Residential Site Improvement Standards (RSIS) for residential development or Table A, Minimum Road Design Standards for Road Acceptance,[6] for nonresidential development.

(8) All driveways from house to the street shall be constructed in such a manner as not to interfere with the flow of water in the road or drainage ditches along the public road, in accordance with Chapter 219, Driveways.

(9) Where grades of proposed new streets or roads meet or exceed 6%, the Township Engineer or Township Committee may require the construction of curbing along the improvement. The developer shall submit sketches of type and quality of curbing (s)he is desirous of using, should such situation arise.

(10) In the event of a conflict between this subsection and the Residential Site Improvement Standards (RSIS), the RSIS shall govern.

B. Street signs.

C. Streetlighting.

D. Curbs or gutters.

E. Interior monuments to be of the size and shape required by the Map Filing Law (N.J.S.A. 46:23-9.9) and shall be placed in accordance with that statute.

F. Sidewalks.

G. Depressed curbs and ramps.

H. Striping, including stop bars and crosswalks.

I. Shade trees.

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6. **Editor's Note: Table A is included at the end of this chapter.**

J. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

K. Dry cap sewer lines.

L. Central water supply system when proposed or required.

M. Culverts, inlets, storm sewers and detention/water quality basins and structures shall be installed as required in conformance with standards set forth in the Residential Site Improvement Standards (RSIS) and/or the requirements of Chapter 457, Stormwater Control, as applicable.

N. Gate valves, curb boxes, and service lines.

O. Underground electric, cable and telephone.

§ 470-30. Inspection and approval.

All improvements listed in § 470-29 of this chapter shall be subject to inspection and approval by the Township Engineer, who shall be notified by the subdivider at least 72 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.

§ 470-31. Performance guarantee.

No final plat shall be approved by the Planning Board until all required fees have been paid and the completion of all the required improvements has been certified to the Planning Board by the Township Engineer, or until the subdivider shall have filed with the Township Clerk a performance guarantee in favor of the Township and in a sum equal to 120% of the cost of all such improvements or uncompleted portions thereof as estimated by the Township Engineer and assuring the installation of such uncompleted improvements. Such performance guarantee may be in the form of a performance bond, which shall be issued by a bonding or surety company approved by the governing body, or of a certified check, returnable to the subdivider after full compliance, or by any other type of surety approved by the Township Attorney as to form, sufficiency and execution. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been installed.

§ 470-32. Completion of improvements; maintenance guarantee.

A. Completion of improvements.

(1) Upon substantial completion of all the necessary and appropriate improvements, the obligor shall notify the governing body, in writing, by certified mail, of the completion or substantial completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township Engineer shall inspect all of the aforesaid improvements and shall, thereupon, file a report, in writing, with

the governing body, which report shall be detailed and shall indicate either approval, partial approval or rejection. If said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection. The cost of the improvements approved or rejected shall be set forth.

(2) The governing body shall accept (including acceptance of public streets) or reject the improvements, grant partial approval or withhold approval on the basis of such report and shall notify the obligor, in writing, by certified or registered mail, of the contents of said report and the action of the governing body with relation thereto not later than 45 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee bond, except for that portion adequately sufficient to secure the improvements not yet approved. Where all improvements are substantially completed, up to 30% of the amount of the performance guarantee posted may be retained to insure full completion.

(3) If the governing body fails to approve or reject the improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the Court in summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approved complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee.

(4) If any portion of said improvements shall not be approved or shall be rejected by the governing body, the obligor shall cause the same to be completed and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

(5) Nothing herein, however, shall be construed in limitation of the obligor's right to contest or question by legal proceedings or otherwise any determination of the governing body or the Township Engineer.

(6) The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements, provided that the municipality may require of the developer a deposit for all or a portion of the reasonably anticipated fees to be paid to the Township Engineer for such inspection.

B. If the required improvements have not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereof to the Township for the reasonable cost of the improvements not installed.

C. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee

shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined as of the time of the passage of the resolution.

D. Any resolution approving a subdivision and the subdivider's agreement required in § 470-29 of this chapter shall also require a maintenance guarantee to be filed by the subdivider with the Township Clerk. Such maintenance guarantee shall be for a period of two years after final acceptance of the improvement and shall be in an amount equal to 15% of the total actual cost of the improvement. The maintenance guarantee may be in the form of a maintenance bond, which shall be issued by a bonding or surety company approved by the governing body or by any other type of surety approved by the Township Attorney, or may be in the form of a certified check, returnable to the subdivider after the termination of the maintenance period of two years.

§ 470-33. Certificate of occupancy.

No certificate of occupancy shall be issued on any construction commenced as a result of receiving final approval until the Township Engineer shall certify to the Planning Board that all required improvements have been completed, and the performance guarantee, hereinbefore requested, shall have been posted with the Township Committee. Upon submission to the Planning Board that the performance guarantee has been posted with the Township Committee, and upon receipt of the certification by the Township Engineer that all required improvements have been completed, the Planning Board shall so certify to the Building Inspector that a certificate of occupancy may be issued upon completion of the structure in accordance with the requirements of the Township building code.

§ 470-34. Required off-tract improvements.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-42, construction of or contributions for off-tract water, sewer, drainage and street improvements may be required in accordance with the following criteria:

A. In cases where reasonable and necessary need for an off-tract improvement or improvements are necessitated or required by the proposed development application and where no other property owners receive a special benefit thereby, the Planning Board may require the applicant, as a condition of subdivision, at the applicant's sole expense, to provide for and construct such improvements as if such were on-tract improvements in the manner provided hereafter and as otherwise provided by law.

B. Contribution by developer toward required off-tract improvements.

(1) In cases where the need for any off-tract improvement is necessitated by the proposed development application, and where the Planning Board determines that properties outside the development will also be benefited by the improvements, such determination shall be made by the Planning Board in writing. The resolution or determination of the Planning Board shall specify the off-tract improvements which are necessary and the terms and conditions which shall be imposed upon the applicant to insure the successful and reasonable implementation of same. In its deliberation as to whether off-tract improvements are required, the Planning Board

shall be guided by the rules and regulations specified in the Chapter 550, Zoning, this chapter and the Township Master Plan. The Planning Board may also be guided by counsel from the Planning Board Attorney, Engineer, any consultant and other qualified experts and Township officials, relative to the subject matter.

(2) In the event that the Planning Board determines that one or more improvements constitute an off-tract improvement, the Planning Board shall notify the Township Committee of the determination, specifying the Board's recommendation relative to the estimated cost of the improvement, the applicant's prorated share of the cost, and possible methods or means to implement same, including but not limited to performance and maintenance guarantees, cash contributions, development agreements and other forms of surety.

(3) The Planning Board shall not grant final approval on the subdivision until all aspects of such conditions have been mutually agreed by both the applicant and the Township Committee, and a written resolution to that effect by the Township Committee has been transmitted to the Planning Board.

C. Methods of implementation.

(1) Where a performance or maintenance guarantee or other surety is required in connection with an off-tract improvement, the applicant shall be required to follow the same procedures and requirements as specified in this chapter for other improvements.

(2) A development agreement is required governing off-tract improvements or other conditions as may be required by this chapter or by the Planning Board, such agreement shall be approved as to form, sufficiency and execution by the Planning Board Attorney and the Township Attorney. The agreement shall specify the amount of cash contributions, if any, the method of payment of same, the relative timing of such payment and the obligation or obligations to be undertaken by the Township.

(3) Cash contributions for off-tract improvements shall not be required under the following conditions:

(a) Where another county or state agency has jurisdiction over the subject improvement and requires a cash contribution, guarantee or other surety of the applicant in lieu of such conditions imposed by the Township;

(b) Where a benefit assessment or other similar tax levy is imposed upon the applicant for the off-site improvement provided; or

(c) Where the applicant, where legally permissible, can undertake the improvements in lieu of the Township, subject to standards and other conditions as may be imposed by the Township.

(4) Where a cash contribution is required by this chapter, such contribution shall be deposited with the Treasurer of the Township with a copy of the applicant's transmittal letter forwarded to the Township Committee, the Township Engineer and the Planning Board. Any and all moneys received by the Treasurer shall be

deposited in an escrow account for the purpose of undertaking the improvements specified. Where such improvements are not undertaken or initiated for a period of 10 years, the funds may be retained by the Township and may be used for general Township purposes, but, in such event, neither the applicant nor any of his heirs, executors, administrators, or grantees shall be liable to the Township for any assessments for the purpose of installing any of the improvements for which such cash contribution was made.

D. Where an off-tract improvement is required, the following criteria shall be utilized in determining the proportionate share of such improvement to the applicant:

(1) Street widening, alignment, corrections, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere and the construction of new streets and other similar street or traffic improvements: the applicant's proportionate share shall be in the ratio of the estimated peak-hour traffic generated by the proposed property or properties to the sum of the present deficiency in peak hour traffic capacity of the present facility, and the estimated peak-hour traffic generated by the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.

(2) Water distribution facilities including the installation of new water mains, the extension of existing water mains, the relocation of such facilities and the installation of other appurtenances associated therewith: the applicant's proportionate cost shall be in the ratio of the estimated daily use of water from the property or properties in gallons to the sum of the deficiency in gallons per day for the existing system or subsystem and the estimated daily use of water for the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.

(3) Sanitary sewage distribution facilities including the installation, relocation or replacement of collector and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith: the applicant's proportionate cost shall be in the ratio of the estimated daily flow in gallons to the sum of the present deficient capacity for the existing system or subsystem and the estimated daily flow from the proposed project or development. In the case where the peak flow period for the proposed development may occur during the peak flow period for the existing system, the ratio shall be the estimated peak flow rate from the proposed development in gallons per minute to the sum of the present peak flow deficiencies in the existing system or subsystem and the estimated peak flow rate from the proposed development. The greater of the two ratios thus calculated shall be increased by 10% for contingencies and shall be the ratio used to determine the cost to the applicant.

(4) Stormwater and drainage improvements, including installation, relocation or replacement of transmission lines, culverts, catch basins and the installation, relocation or replacement of other appurtenances associated therewith: the applicant's proportionate cost shall be in the ratio of the estimated peak surface runoff as proposed to be delivered into the existing system measured in cubic feet

per second to the sum of the existing peak flow in cubic feet per second deficient for the existing system and the estimated peak flow as proposed to be delivered. The ratio thus calculated shall be increased by 10% for contingencies. The applicant's engineer shall compute the drainage basin area and the area of the development and the percent of the total drainage basin area occupied by the development. Where no drainage system exists which will receive the flow of surface water from the applicant's development, the applicant shall furnish all drainage rights-of-way deemed to be necessary by the Planning Board.

(5) In calculating the proportionate or pro rata amount of the cost of any required off-tract facilities which shall be borne by the applicant, the Planning Board shall also determine the pro rata amount of cost to be borne by other owners of lands which will be benefited by the proposed improvements.

ARTICLE VII
Design Standards

§ 470-35. Compliance required.

The subdivider shall observe the requirements and principles of land subdivision in the design of each subdivision or portion thereof, as set forth in this article.

§ 470-36. General.

The subdivision plat shall conform to design standards that will encourage good development patterns within the Township. Where either or both an Official Map or Master Plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted Master Plan or Official Map shall be considered in approval of subdivision plats. Where no Master Plan or Official Map exists, streets and drainage rights-of-way shall be shown on the final plat in accordance with N.J.S.A. 40:55D-38 et seq., and shall be such as to lend themselves to the harmonious development of the Township and enhance the public welfare in accordance with the design standards further enumerated in this section. However, any lot which is existing as of the date of adoption of this section and which is, as of said date, otherwise conforming to the area and other bulk requirements of the zone district in which located, such lot shall not be required to conform to the provisions of this section, unless same is proposed for further subdivision, in which case, the provisions of this section shall apply. In the event of a conflict between this article and the Residential Site Improvement Standards (RSIS), the RSIS shall govern.

§ 470-37. Blocks.

A. Block length and width, or acreage within bounding roads, shall be such as to accommodate the size of lot required in the area by Chapter 550, Zoning, and to provide for convenient access, circulation, control and safety of street traffic.

B. Pedestrian crosswalks shall be required in locations deemed necessary by the Planning Board where the blocks are over 1,000 feet long. Such walkways shall be 10 feet wide and be straight from street to street and shall be subject to all requisite third-party approvals.

C. For commercial, group housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

§ 470-38. Lots.

A. Each lot shall be served by a driveway meeting the requirements of Chapter 219, Driveways.

B. Insofar as is practical, side lot lines shall be at right angles to straight streets, and radial to curved streets.

C. Each lot in the proposed subdivision shall have a frontage of at least 50 feet on an approved street and such street right-of-way shall be at least 50 feet in width and as required in § 470-37 above.

D. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.

§ 470-39. Water utility systems.

The water distribution system shall be subject to the review and recommendations of the Township Engineer, particularly as to its routing, the locations of fire hydrants and the location of water storage tanks and shall be designed to adhere to the following specific standards:

A. All central water facilities shall conform to N.J.A.C. 7:10, commonly known as the "Safe Drinking Water Act Regulations" and any revisions and/or amendments thereto, except where the standards contained herein exceed those contained in the Safe Drinking Water Act Regulations, in which case the standards contained herein shall apply.

B. All construction of central water facilities shall comply with all applicable standards as set forth by the American Water Works Association (AWWA) as such standards apply to various components of a central water facility.

C. All central water systems shall be designed to operate as a pump storage type of system, using gravity flow, wherever feasible.

D. All lots upon which a central water system facility is located shall be deemed to be utility lots and not building lots and shall not be subject to the minimum area and other bulk dimensional requirements otherwise applicable to a building lot in the zone district in which located.

(1) Instead, such utility lots shall be subject to the following minimum standards:

(a) Lot area: one acre.

(b) Lot frontage: 100 feet.

(c) Front yard setback: 50 feet.

(d) Side yard setback: 25 feet.

(e) Rear yard setback: 50 feet.

(2) Access to a utility lot may be achieved by means of a permanent deeded easement or right-of-way of such width, location and surface treatment, and shall be subject to such maintenance, as shall make same suitable for access in all weather conditions.

E. The following design standards shall be complied with in addition to all other requirements specified in the standards referenced hereinabove. These standards may be modified with the approval of the Township Engineer and/or construction code enforcement official:

(1) Wellhouse.

(a) Construction drawings of the proposed wellhouse shall be submitted to the Township Engineer and to the construction code enforcement official, with an information copy thereof submitted to the Planning Board, showing plan view, elevation views of all sides, typical sections, landscaping plan and a plot plan showing all site improvements to be installed to service the wellhouse, including, but not limited to, the following items:

[1] Asphalt driveway.

[2] Lighting.

[3] Chain link fencing.

[4] Storm drainage.

[5] Landscaping plan.

(b) The wellhouse shall be sized to provide at least three feet of clearance around the various components of the water system to permit ready access to the plant operators.

(c) A complete auxiliary generator system with interconnecting wiring and automatic transfer switch shall be provided for all central water facilities.

(d) Pressure gauges, graduated in increments not higher than five psi, shall be provided at appropriate locations in the wellhouse piping system.

(e) Sampling taps shall be provided for raw water samples and finished water samples in the wellhouse. There shall be at least 18 inches of clearance below these taps to permit the use of large sampling bottles.

(f) Floor drains in wellhouses shall be piped to discharge approved by the New Jersey Department of Environmental Protection (NJDEP) and the Township Health Department.

(g) Wellwater level indicators shall be provided with indicator gauges that can be calibrated to read the water level in the well directly on the gauge. An electrically powered air compressor shall be supplied as part of the standard equipment in the wellhouse.

(h) A stainless steel test sink shall be provided in the wellhouse to test for chlorine residual. The waterline serving the sink shall be tapped into the water main and supplied with a separate curb stop and curb box. The tap shall be located a sufficient distance away from the point of chlorination to allow at least the minimum amount of contact time specified by the NJDEP. Calculations shall be submitted to support the proposed design.

(i) All central water systems shall be provided with the following materials and equipment in a wall-mounted storage cabinet furnished in the wellhouse:

[1] DPD test kit with a one-year supply of reagents to test for chlorine residual.

[2] Repair parts needed to service any treatment equipment or pumping equipment installed in the wellhouse.

[3] A precut bypass pipe with the necessary fittings to permit the removal of the main meter in the wellhouse for servicing while keeping the water system operable at the same time.

[4] A one-year supply of reagents used in the treatment processes performed in the wellhouse.

[5] Two comprehensive manuals containing manufacturer's information on all components of the central water system, suppliers and service representatives, serial numbers and model numbers of all components and warranties.

[6] Two prints and one mylar of an as-built map showing the layout of the central water system, complete with ties from permanent structures to every gate valve and curb box in the system. One print shall be mounted on the wellhouse wall in a sealed frame.

[7] A gate valve wrench and curb box wrench large enough to operate every valve in the system.

[8] An industrial size first aid kit.

[9] A ten-pound type ABC fire extinguisher.

[10] A wall-mounted electric clock with a minimum six-inch diameter face.

(j) Warning signs shall be posted on the exterior of the wellhouse in accordance with BOCA, OSHA, and right-to-know compliance requirements indicating any dangerous chemicals or substances used in the wellhouse.

(2) Wells. All central water systems shall be provided with at least two wells regardless of the number of users or average daily water demand upon the system. All such wells shall have a minimum horizontal separation distance between them of at least 100 feet.

(3) Storage tanks.

(a) Storage tanks shall be sized to provide at least 1 1/2 days' water requirements, based on the average annual demand, plus the volume of water required for fire protection.

(b) Cathodic protection for corrosion control shall be provided for the storage tanks. A one-eighth-inch corrosion allowance shall be provided for all steel water tanks. All components of the cathodic protection system shall be designed to withstand the forces of ice.

(c) Level control in storage tanks shall be provided by electronic methods. The water level in the storage tanks shall be displayed to the nearest 1/2 foot.

(d) Visible and audible alarm systems shall be installed in the central water system wellhouse to indicate low or high water levels in the water storage tanks.

(e) Methods of measuring and permanently recording the water level in any water storage tank involved with the central water system as a function of time shall be provided.

(f) Warning devices required by the Federal Aviation Administration (FAA) shall be provided.

(g) Exterior and interior painting systems shall comply with all NJDEP and EPA requirements for potable water. Painting systems shall be a minimum of six mils thick.

(4) Distribution system.

(a) All distribution lines shall be looped to eliminate dead-end waterlines in the water system. The distribution lines shall be extended to the main roads on which the development fronts, and shall be constructed along the tract's entire frontage on such main road, from outermost property line to outermost property line, to permit future tie-ins. The distribution lines shall also be extended to the outside property lines of the development in areas where future expansion is possible on adjacent property to promote additional looping of the distribution system. The size of such distribution lines shall be as recommended by the Township Engineer.

(b) A Hardy-Cross analysis of the proposed central water system shall be provided showing that the flow required for fire protection at a fire hydrant can be achieved without lowering the water pressure on the first floor of any dwelling unit served by the water system to less than 30 psi.

(c) Water main pipe shall be ductile iron, Class 54 or higher, double cement lined. Bronze wedges, supplied and approved by the water main pipe manufacturer, shall be installed in each joint to assure electrical conductivity. Water main pipe shall be buried to provide at least 4 1/2 feet of suitable cover material over the top of the pipe. Concrete sand shall be placed around the water main pipe to provide at least six inches of concrete sand below and above the pipe, and at least 12 inches on each side of the pipe. A blue warning ribbon with the words "CAUTION — WATER MAIN BELOW" shall be placed in all water main trenches 1 1/2 feet below finished grade.

(d) Water main fittings, including, but not limited to, tees, wyes, bends and offsets, shall be mechanical joint type, and shall be provided with integrally cast lugs to accommodate reinforcing rods and other types of restraint devices. Each water main fitting shall be provided with concrete thrust blocks poured against virgin earth. The size of each thrust block shall be sufficient enough to withstand at least twice the maximum thrust force that the fitting is ever expected to experience, or a two-hour pressure test at 200 psi, whichever is greater.

(e) Gate valves shall be provided on all legs of any tee, wye or cross-type fitting, on each fire hydrant lead, on each blowoff pipe and at the terminus of any water main that may be extended in the future. All gate valves shall be resilient seat gate valves and shall be double rodded back to the nearest fitting for restraint. Gate valves shall open by turning the operating nut in a counterclockwise direction when viewed from the top.

(f) Valve boxes of the cast-iron type shall be provided on all gate valves. The internally cast lugs at the top section of the valve box shall not bear directly on the lower portion of the valve box or any extension. The top portion of the valve box shall be 1/2 inch below finished grade. The cast-iron valve box cover shall have the word "water" integrally cast in it.

(g) In locations where vent pipes or blowoffs may discharge water, suitable protection must be provided to prevent erosion and/or discharge onto adjacent properties. Easements permitting the open discharge of water from the central water system through blowoffs must be provided.

(h) Each dwelling unit shall have its own individual service line, complete with individual corporation stop, double strap saddle, curb stop, curb box and meter with remote readout on the exterior of the building. The curb box shall be located at least three feet from the face of the curb, but within the right-of-way of the roadway or in a utility casement in lieu thereof. The size of each service line shall be calculated to supply each dwelling unit with

sufficient water pressure to meet the requirements of the local building codes, Residential Site Improvement Standards (RSIS), and NJDEP.

(i) All service lines providing potable water shall be metered, including service lines used for lawn watering purposes. Gate valves and NJDEP approved backflow prevention devices shall be provided to protect against back siphonage and cross connections.

(j) The distribution system shall be subjected to static pressure tests and dynamic flow tests prior to being accepted. Such tests shall be witnessed by the Township Engineer, or his/her representative, and by a representative of the Fire Department.

(5) Fire protection.

(a) All central water systems shall conform to all applicable standards of the National Fire Protection Association (NFPA), American Water Works Association (AWWA), N.J.A.C. 7:10 (commonly known as the "Safe Drinking Water Act"), Residential Site Improvement Standards (RSIS), BOCA and OSHA, and any revisions and/or amendments thereto.

(b) Total fire protection water supply shall be no less than 2,000 gallons per dwelling unit, or the requirement set forth by any of the applicable codes referenced above, whichever is greater.

(c) Water storage facilities for fire-fighting water shall be designed to automatically maintain the required capacity for fire-protection purposes.

(d) The maximum distance from each dwelling unit to the nearest fire hydrant shall not exceed 400 feet, measured along the street right-of-way, per RSIS 5:21-5.4(a). If any of the codes referred to above require a closer fire hydrant spacing, the more restrictive spacing shall apply.

(e) Each fire hydrant shall be capable of supplying a minimum flow of at least 500 gallons per minute at no less than 30 psi residual system pressure. If any of the codes referenced above require a larger flow rate and/or a higher residual pressure, the more restrictive requirements shall apply.

(f) All nonresidential occupancies shall conform to NFPA Standard 1231 as a minimum water supply requirement for fire-protection purposes.

(g) All developments must be designed to allow for the access of emergency vehicles, including fire apparatus, ambulances and police cars. Fire lanes shall be provided for commercial and industrial-type developments to provide access to fire-protection facilities.

(h) If a stream or pond exists on a property that requires a central water system, and the stream or pond can be developed into an adequate and reliable water supply, then a standpipe shall be constructed as a backup supply of water to the central water system for fire-protection purposes. The central water

system shall not be connected or used in conjunction with any standpipe system.

(i) Prior to obtaining final approval of any major subdivision or site plan requiring a central water system, the Township Fire Department shall conduct any and all tests necessary to ensure that the system meets the fire-fighting requirements of the Fire Department. The Fire Department shall then issue a letter to the Planning Board indicating that the central system has been tested and is accepted by the Fire Department for fire-protection purposes.

(6) General provisions.

(a) All components of the central water system, including, but not limited to, wellhouses, gate valves and storage tank covers shall be secured with commercial grade padlocks or door locks keyed alike. Panic bar hardware shall be provided on all doors.

(b) All components of the central water facility shall be designed to be compatible and standardized with equipment that presently exists in the water system being tied into, or other water supply facilities owned and operated by the Township.

(c) A cost estimate for the construction of the central water facility shall be provided.

(d) The annual cost of operating and maintaining the central water system shall be calculated and submitted. The estimated quarterly charge to the users of the central water system shall also be calculated and submitted.

(e) A hydraulic profile of the water system shall be provided, starting at the source of the water, through the wellhouse and distribution system, to the user's tap.

§ 470-40. Public use and service area easements.

A. Easements along rear property lines, or elsewhere, may be required for utility installation in large scale developments. Such easements shall be a minimum of 20 feet wide for sanitary sewers that are not more than 15 feet deep. For sewers that are more than 15 feet deep, easements shall be a minimum of 30 feet wide. Water main easements shall be a minimum of 20 feet wide. All easements shall be located in consultation with the companies or Township departments concerned.

B. Stormwater easements or drainage rights-of-way shall be provided where a subdivision is traversed by a watercourse, drainageway channel or street. Storm drain easements shall be a minimum of 20 feet wide and shall conform substantially with the lines of such watercourse.

C. Natural features, such as trees, brooks, hilltops and views, shall be preserved whenever possible in designing any subdivision containing such features.

§ 470-41. Waiver of design standards.

A. It is anticipated that in particular cases, on account of impracticability and/or undue hardship which would attend an applicant because of peculiar conditions pertaining to the land which is the subject of a development application, in the event the foregoing design standards were to be strictly adhered to, that certain waivers of design standards may be sought.

B. It is further recognized that the Municipal Land Use Law, N.J.S.A. 40:55D-51, provides a general procedural mechanism for the Planning Board, when acting upon applications for minor subdivision, preliminary major subdivision or preliminary site plan approvals, to entertain and, in appropriate cases, grant such waiver request.

C. However, it is additionally recognized that the foregoing design standards represent minimum standards necessary to the protection of the zoning and other land use regulations, the Master Plan and the Official Map of the Township of Fredon and are, in nearly all cases, required to be strictly complied with in order to promote the orderly growth and development of the Township.

D. It is additionally recognized that certain of the foregoing design standards are minimum standards required to protect the public health and safety.

E. Therefore, prior to the granting of any waivers of the otherwise required design standards, in accordance with the foregoing, the Board shall first determine whether the design standard for which a waiver has been sought is a minimum standard necessary to protect the public health and safety. If such is the case, the Board shall only grant a waiver of any such design standard when all of the following criteria have been satisfied to the Board's satisfaction:

(1) That the design waiver request is reasonable.

(2) That the altered design, resulting from the granting of the design waiver sought shall be in accordance with the general intent and purpose of the provisions of the applicable development ordinances, subdivision or site plan review.

(3) That there are peculiar conditions uniquely relating to the land which is the subject of the development application, for which a design standard waiver has been requested, such that the literal enforcement of such design standard is impracticable or will exact undue hardship.

(4) That the alternate design resulting from the granting of the waiver sought is engineeringly acceptable, applying prevailing standards of engineering design practice.

(5) That the resultant alternative design adequately protects the public health and safety.

F. In the event that the Board shall not be convinced that all of the above criteria have been satisfied, the Board shall deny the design standard waiver request and shall require strict compliance with all the foregoing design standards.

ARTICLE VIII
Violations and Penalties

§ 470-42. Fine.

If, before favorable referral and final approval have been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board and the governing body are required to act, such person shall, upon conviction thereof, be subject to a fine not to exceed $1,000 and each parcel, plot or lot so disposed of shall be deemed a separate violation in accordance with the provisions of N.J.S.A. 40:55D-55.

§ 470-43. Civil action.

In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under N.J.S.A. 40:55D-34 and 40:55D-35, the Township may institute and maintain a civil action:

A. For injunctive relief.

B. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with the provisions of N.J.S.A. 40:55D-56.

§ 470-44. Lien.

In any such action the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider, or his/her assigns or successors, to secure the return of any deposit made or purchase price paid and also a reasonable search fee, survey expense and title closing expense, if any.

§ 470-45. Time limit.

Any such action shall be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of the land or within six years, if unrecorded.

470 Attachment 1

Township of Fredon

Table A: Minimum Road Design Standards for Road Acceptance

		Arterial Street	Collector Street	Minor Street	Site Plan Pavement Specifications
Right-of-way width		66 feet	50 feet	50 feet	50 feet
Pavement width between curbs		46 feet (includes two ten-foot shoulders)	30 feet	26 feet	36 feet
Riding lane width		13 feet	15 feet	13 feet	15 feet
Slope of pavement		2% from center line	2% from center line	2% from center line	2% from center line
Paved shoulder width		10 feet	None	None	None
Shoulder slope		4%	None	None	None
Curbing		9" x 18" concrete curb, Class B concrete or granite block curb	9" x 18" concrete curb, Class B concrete or granite block curb	9" x 18" concrete curb, Class B concrete or granite block curb	9" x 18" concrete curb, Class B concrete or granite block curb
Type and depth of road construction	Pavement	Bituminous concrete surface course 1 1/2" top course, 1 1/2" bottom course	Bituminous concrete surface course 2" thick	Bituminous concrete surface course 2" thick	Bituminous concrete surface course 2" thick
	Base course	6" bituminous stabilized base	4" bituminous stabilized base	3" bituminous stabilized base	3" bituminous stabilized base
	Subbase	12" dense graded aggregate base	6" dense graded aggregate base	4" dense graded aggregate base	4" dense graded aggregate base
Alternate No. 1 Type and depth of road construction	Pavement	Bituminous concrete surface course 1 1/2" top course, 1 1/2" bottom course	Bituminous concrete surface course 1 1/2" top course, 1 1/2" bottom course	Bituminous concrete surface course 1 1/2" top course, 1 1/2" bottom course	Bituminous concrete surface course 1 1/2" top course, 1 1/2" bottom course
	Base course	8" lime-fly ash stabilized base	8" lime-fly ash stabilized base	5" lime-fly ash stabilized base	4" lime-fly ash stabilized base
	Subbase	12" dense graded aggregate base	5" dense graded aggregate base	4" dense graded aggregate base	4" dense graded aggregate base
Shoulder construction		Same as for riding lane	None	None	None
Earth berm width behind curb		10 feet	7 feet	7 feet	6 feet
Slope of berm		2% toward curb	2% toward curb	2% toward curb	2% toward curb
Cut slope in earth		2:1	4:1	4:1	4:1
Cut slope in rock		1:4	1:4	1:4	1:4
Fill slope 0 feet to 5 feet		4:1	4:1	4:1	4:1
Fill slope 5 feet and over with guide rail		2:1	2:1	2:1	2:1
Topsoiling depth on berms and earth slopes		4"	4"	4"	4"

		Arterial Street	Collector Street	Minor Street	Site Plan Pavement Specifications
Seeding type on berms and slopes under 5 feet		Type A	Type A	Type A	Type A
Design speed		50 mph	40 mph	30 mph	30 mph
Maximum grade		8.0%	10.0%	12.0%	8.0%
Minimum grade		0.5%	0.5%	0.5%	0.5%
Minimum center-line radius		1000.0 feet	510.0 feet	275.0 feet	150.0 feet
Radius at cul-de-sac				50 feet	
Pavement radius				42 feet	
Snow removal easement on cul-de-sac		10 feet	10 feet	10 feet	10 feet
Storm sewer design	Maximum distance between inlets	400.0 feet	400.0 feet	400.0 feet	400.0 feet
	Storm frequency with land use fully developed	As needed	As needed	As needed	As needed
	Minimum pipe size	15 inches	15 inches	15 inches	15 inches
	Type of pipe	RCCP or CMP BIT CT'D	RCCP or CMP BIT CT'D	RCCP or CMP BIT CT'D	RCCP or CMP BIT CT'D
	Type of headwall	Class C concrete or flared-end sections	Class C concrete or flared-end sections	Class C concrete or flared-end sections	Class C concrete or flared-end sections
Specifications to govern construction		Latest Edition of New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction and Amendments Thereto			
Engineering design standards		Latest Edition of the New Jersey Department of Transportation Design Manual – Roadway and Revisions Thereto			

SUBDIVISION OF LAND

470 Attachment 2

Township of Fredon

Fredon Planning Board or the Zoning Board of Adjustment
Submission Requirements Checklist

Form A: General Requirements for All Applications

For Application to:
(Check one)

_____ PLANNING BOARD _____ BOARD OF ADJUSTMENT

Location of Development _____

Block _____ Lot _____

Applicant's Name _____

Address _____

_____

Telephone No./Fax No. _____

Email _____

Owner (of record) Name _____

Address _____

_____

_____ _____
Signature (Applicant) Date

All applications are required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of completed application form.	[ ]	[ ]	[ ]
2.	Eighteen copies of any required plot plan, site plan, or subdivision plan shall be submitted minimally 30 days before meeting.	[ ]	[ ]	[ ]
3.	Required application and escrow fees	[ ]	[ ]	[ ]
4.	Certification that taxes are paid from the Township Tax Collector's Office.	[ ]	[ ]	[ ]
5.	Affidavit of Ownership. If the applicant is not the owner of the site, the applicant's interest in the site must be described (e.g., tenant, contract/purchaser, lien holder, etc.) and written permission of the property owner(s) allowing the applicant to file the application must be submitted. *Check here [ ] if not applicable.*	[ ]	[ ]	[ ]

		Complies	Deficient	Waiver Requested
6.	Corporation or Partnership Owners. If applicant is a corporation or partnership applying for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multifamily dwelling of 25 or more units or for approval of a site to be used for commercial purposes, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as required by N.J.S.A. 40:55D-48.1 and 48.2. *Check here [ ] if not applicable.*	[ ]	[ ]	[ ]
7.	Inspection Permission. A statement from the property owner granting permission for the reviewing body and any of its experts to enter the subject premises for purposes of inspection in relation to the development application.	[ ]	[ ]	[ ]
8.	Submission Waiver Requests. Statements requesting a waiver from any information called for in Forms A through J, together with a statement of reasons why same should be granted. These must be provided if any item in the "Waiver Requested" column is checked off.	[ ]	[ ]	[ ]
9.	A listing of all approvals including any variances or waivers sought, accompanied by a statement of reasons why variance or waiver is being requested.	[ ]	[ ]	[ ]
10.	A copy of any restrictions, covenants, easements, existing or proposed, if any, affecting the property. If none exist, an affidavit from the owner certifying that no such covenants or restrictions exist shall be submitted.	[ ]	[ ]	[ ]
11.	County Application. If approval from the Sussex County Planning Board is required for any reason and an application for approval has been made, a copy of the application submitted to the Sussex County Planning Board must be attached.	[ ]	[ ]	[ ]
12.	NJDEP Permits. One of the following must be provided. *Check here [ ] if not applicable.* a. A letter of interpretation from the New Jersey Department of Environmental Protection (NJDEP); b. A letter of exemption from the NJDEP; c. A copy of any application made to the NJDEP for any permit concerning a proposed regulated activity in or around freshwater wetlands; or d. Documentation from a qualified professional demonstrating that no wetlands exist on the site and that no wetlands exist on adjacent properties that would affect or limit development on the site.			
13.	Documentation of New Jersey Department of Transportation (NJDOT) approval, if required. *Check here [ ] if not applicable.*	[ ]	[ ]	[ ]
14.	The names of all proposed expert witnesses and their expertise, if any, who will testify or submit a report, if known at the time of application.	[ ]	[ ]	[ ]
15.	Proof of notice to property owners as required 10 days prior to the public hearing date.	[ ]	[ ]	[ ]
16.	Proof of newspaper published notice as required 10 days prior to the public hearing date.	[ ]	[ ]	[ ]
17.	Copy of Tax Map Sheet showing the site and its existing block and lot numbers.	[ ]	[ ]	[ ]
18.	Special Fees. The applicant is required to pay for all special fees, i.e., consultant engineers, inspections, special meetings called at the request of the applicant, etc.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
19. Additional Forms. A complete checklist must be provided for at least one of the following types of development proposals: a. Form B: Minor Site Plan b. Form C: Minor Subdivision c. Form D: Preliminary Major Site Plan d. Form E: Preliminary Major Subdivision e. Form F: Final Major Site Plan f. Form G: Final Major Subdivision g. Form H: Variance(s) h. Form I: Wireless Communication Towers i. Form J: Agricultural Subdivision	[ ]	[ ]	[ ]

SUBDIVISION OF LAND

470 Attachment 3

Township of Fredon

Submission Requirements Checklist

Form B: Minor Site Plan Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

The minor site plan is required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of the minor site plan signed and sealed by a professional engineer in the State of New Jersey.	[ ]	[ ]	[ ]
2.	Current boundary property survey (not less than 12 months old), including date, signature and seal of a licensed New Jersey Land Surveyor.	[ ]	[ ]	[ ]
3.	The plat shall be drawn to an appropriate scale not less than one inch equals 100 feet and not greater than one inch equals 20 feet.	[ ]	[ ]	[ ]
4.	Key Map showing existing streets and names of streets and some boundaries for all properties for not less than two lots in each direction from the perimeter of the subject site or 200 feet from the perimeter of the subject site, whichever is greater.	[ ]	[ ]	[ ]
5.	Written and graphic scale, North arrow and reference meridian.	[ ]	[ ]	[ ]
6.	The name and address of the applicant and the owner and the name, address, title and license number of the engineer who prepared the site plan and accompanying data and the date of each revision of the plan or any part thereof.	[ ]	[ ]	[ ]
7.	Certification by professional engineer or architect registered in the State of New Jersey who prepared the plans certifying that the information furnished on the plans is correct and accurate.	[ ]	[ ]	[ ]
8.	A place for the signature of the Chairperson and Secretary of the Planning Board and Township Engineer.	[ ]	[ ]	[ ]
9.	The lot number(s) and block number as shown on the current tax assessment map of the Township of Fredon which is the subject matter of the application.	[ ]	[ ]	[ ]
10.	Any municipal limits within 200 feet of the subject property and the names and zoning of the adjoining municipalities.	[ ]	[ ]	[ ]
11.	Proposed use(s) of land and buildings.	[ ]	[ ]	[ ]
12.	A zoning table showing the zone in which the property is located and the zoning requirements, identified by section, as compared to the proposed plan.	[ ]	[ ]	[ ]
13.	The location, direction and dimensions of existing and proposed property lines, building setback lines, buildings, structures, walls and fences, parking areas, aisles, driveways, fire lanes, loading docks, planted areas and planted buffer areas, if any, as well as existing and proposed impervious coverage.	[ ]	[ ]	[ ]
14.	Existing buildings/structures to be removed.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
15. All existing and proposed streets or roads within or abutting the proposed site development with the right-of-way widths clearly indicated, as well as any proposed improvements and/or additional road width dedication, if required. Roadways shall be delineated as Municipal, County or State.	[ ]	[ ]	[ ]
16. Designation of all means of vehicular access onto public streets showing the size/location of driveways, curb cuts/curbing, and sight line/radii.	[ ]	[ ]	[ ]
17. Designation of the distance of the property line measured along the center line of existing streets abutting the property to the nearest intersection.	[ ]	[ ]	[ ]
18. The location, dimensions and construction details for all existing/proposed sidewalks.	[ ]	[ ]	[ ]
19. The location of all existing and proposed underground utilities and utility easements.	[ ]	[ ]	[ ]
20. Parking aisles, parking stalls and islands for parking aisles and striping of parking stalls in accordance with § 424-32 of Chapter 424, Site Plan Review. The parking spaces must be consecutively numbered.	[ ]	[ ]	[ ]
21. Contours to determine the natural drainage of the land. Existing and proposed topography at two-foot intervals for all slopes less than 10% and at five-foot intervals for all slopes greater than 10%. All contour lines shall be referenced to the New Jersey Geodetic Control Survey Datum.	[ ]	[ ]	[ ]
22. Flood zone and top of banks and boundaries of all floodways and flood hazard areas on the property.	[ ]	[ ]	[ ]
23. The location and extent of ditches, streams, brooks or water mains including wetlands and stream encroachment lines on the property and within 150 feet of the site.	[ ]	[ ]	[ ]
24. Designation of all wooded areas, including individual trees which are six inches or greater in diameter.	[ ]	[ ]	[ ]
25. Designation of all areas where the seasonal water table is zero feet from the surface.	[ ]	[ ]	[ ]
26. Stormwater Management Plan and Supporting Drainage Calculations, if required.	[ ]	[ ]	[ ]
27. Soil logs, permeability tests and soil classification data.	[ ]	[ ]	[ ]
28. Location, use, present and finished grade elevations at all corners and entrances, ground coverage, first floor and basement elevations, dimensions and front, side and rear setbacks of existing and proposed buildings.	[ ]	[ ]	[ ]
29. Floor plan and elevation drawings of all buildings with overall dimensions including exterior building materials, by a licensed architect.	[ ]	[ ]	[ ]
30. Location of all existing/proposed exterior lighting.	[ ]	[ ]	[ ]
31. Construction details of curbs and storm drainage improvements, utility connections, lighting and signage.	[ ]	[ ]	[ ]
32. Manholes, pipe lengths, pipe sizes, grades, inverts and direction of flow.	[ ]	[ ]	[ ]
33. Location of existing and proposed signs, showing size, colors, setbacks, height, lighting and materials.	[ ]	[ ]	[ ]
34. Details of screening for refuse storage areas and outdoor equipment.	[ ]	[ ]	[ ]
35. Designation of all reservations and easements in areas dedicated to public use.	[ ]	[ ]	[ ]
36. Submission of a hydrogeological report in accordance with § 550-113 of Chapter 550, Zoning.	[ ]	[ ]	[ ]
37. Submission of an Environmental Impact Statement in accordance with Article V of Chapter 424, Site Plan Review.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
38. Any other pertinent information deemed necessary by the Board in consideration of the proposed site plan.	[ ]	[ ]	[ ]

SUBDIVISION OF LAND

470 Attachment 4

Township of Fredon

Submission Requirements Checklist

Form C: Minor Subdivision Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

The minor subdivision plat is required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of the minor subdivision plat signed and sealed by a licensed land surveyor in the State of New Jersey.	[ ]	[ ]	[ ]
2.	Current survey (not less than 12 months old) of the property to be subdivided, including date, signature and seal of preparer.	[ ]	[ ]	[ ]
3.	The plat shall be drawn to an appropriate scale not greater than one inch equals 50 feet.	[ ]	[ ]	[ ]
4.	Existing and proposed property lines with metes and bounds description and angle-distance bearings.	[ ]	[ ]	[ ]
5.	Key Map (scale one inch equals 200 feet) showing the location of the tract in relation to the surrounding area within a five-hundred-foot radius, showing names of existing streets, zone boundaries and/or Township boundary. Key Map must show scale and North arrow.	[ ]	[ ]	[ ]
6.	Title block must contain the name of the applicant, preparer, tax lot and block numbers assigned by the Tax Assessor, date prepared, date of any revisions and the zoning district.	[ ]	[ ]	[ ]
7.	Street addresses and house numbers to be verified by the Office of Emergency Management for 911 purposes.	[ ]	[ ]	[ ]
8.	Written and graphic scale, North arrow and reference meridian.	[ ]	[ ]	[ ]
9.	Signature block for Chairperson, Secretary and Township Engineer.	[ ]	[ ]	[ ]
10.	A schedule of required zone district requirements and compliance and/or noncompliance with the requirements.	[ ]	[ ]	[ ]
11.	The name, signature, seal and certification of the land surveyor who has drawn the subdivision plat.	[ ]	[ ]	[ ]
12.	The point of beginning shall be designated.	[ ]	[ ]	[ ]
13.	Names and addresses of all adjoining property owners. If variance is required, names and address of all property owners within 200 feet of the subject property.	[ ]	[ ]	[ ]
14.	Any municipal limits within 200 feet of the subject property and the names and zoning of the adjoining municipalities.	[ ]	[ ]	[ ]
15.	All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.	[ ]	[ ]	[ ]
16.	All existing and proposed streets or roads within 200 feet of the subject property, including the width of the right-of-way and existing/proposed curbs and sidewalks. Although the Planning Board may waive requirement of proposed curbs and sidewalks, they must be shown on the map.	[ ]	[ ]	[ ]
17.	Location of existing structures and their setbacks from existing and proposed property lines.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
18. Location of physical features including streams, wetlands, and floodplains within 200 feet of the subject property.	[ ]	[ ]	[ ]
19. All existing or new storm and sanitary sewers proposed to be utilized, showing sections adjoining the portion of the tract to be subdivided, with invert and surface elevations and cleanouts.	[ ]	[ ]	[ ]
20. Area of existing and proposed lots in square feet and acres.	[ ]	[ ]	[ ]
21. The proposed lot layout and lot dimensions, including the width of lots at building setback lines. Consistency with the usable lot area requirements at § 550-29A of Chapter 550, Zoning, shall be demonstrated.	[ ]	[ ]	[ ]
22. All existing and proposed easements for drainage sewers, sidewalk, etc., with angle-distance bearings. The Township will require drainage easements along streams as recommended by the Township Engineer where none already exist.	[ ]	[ ]	[ ]
23. All public property and property proposed to be dedicated in the tract, accurately outlined and described with existing or proposed uses designated.	[ ]	[ ]	[ ]
24. Proposed monuments and/or corner markers.	[ ]	[ ]	[ ]
25. Colored tape shall be applied to corner of lot(s).	[ ]	[ ]	[ ]
26. Soil logs, permeability tests and soil classification data on each lot and remainder.	[ ]	[ ]	[ ]
27. Information on unusual topographic, soil or flood conditions, as may be required by the Township Engineer.	[ ]	[ ]	[ ]
28. Any other pertinent information deemed necessary by the Board in the consideration of the proposed subdivision, including but not limited to engineer reports, Board of Health Reports, County approvals, and other departmental reports of various county and state agencies.	[ ]	[ ]	[ ]

SUBDIVISION OF LAND

470 Attachment 5

Township of Fredon

Submission Requirements Checklist

Form D: Preliminary Major Site Plan Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

The preliminary major site plan is required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of the site plan signed and sealed by a licensed Professional Engineer in the State of New Jersey.	[ ]	[ ]	[ ]
2.	Current boundary property survey (not less than 12 months old), including date, signature and seal of a licensed New Jersey Land Surveyor.	[ ]	[ ]	[ ]
3.	The plat shall be drawn to an appropriate scale not less than one inch equals 100 feet and not greater than one inch equals 20 feet.	[ ]	[ ]	[ ]
4.	Key Map showing existing streets and names of streets and some boundaries for all properties for not less than two lots in each direction from the perimeter of the subject site or 300 feet from the perimeter of the subject site, whichever is greater.	[ ]	[ ]	[ ]
5.	Written and graphic scale, North arrow and reference meridian.	[ ]	[ ]	[ ]
6.	The name and address of the applicant and the owner and the name, address, title and license number of the engineer who prepared the site plan and accompanying data and the date of each revision of the plan or any part thereof.	[ ]	[ ]	[ ]
7.	Certification by Professional Engineer or Architect registered in the State of New Jersey who prepared the plans certifying that the information furnished on the plans is correct and accurate.	[ ]	[ ]	[ ]
8.	A place for the signature of the Chairperson and Secretary of the Planning Board and Township Engineer.	[ ]	[ ]	[ ]
9.	The lot number(s) and block number as shown on the current tax assessment map of the Township of Fredon which is the subject matter of the application.	[ ]	[ ]	[ ]
10.	Any municipal limits within 200 feet of the subject property and the names and zoning of the adjoining municipalities.	[ ]	[ ]	[ ]
11.	A zoning table showing the zone in which the property is located and the zoning requirements, identified by section, as compared to the proposed plan.	[ ]	[ ]	[ ]
12.	The location, direction and dimensions of existing and proposed property lines, building setback lines, buildings, structures, walls and fences, parking areas, aisles, driveways, fire lanes, planted areas and planted buffer areas, if any, as well as existing and proposed impervious coverage.	[ ]	[ ]	[ ]
13.	Existing buildings/structures to be removed.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
14. All existing and proposed streets or roads within or abutting the proposed site development with the right-of-way widths clearly indicated, as well as any proposed improvements and/or additional road width dedication, if required. Roadways shall be delineated as Municipal, County or State.	[ ]	[ ]	[ ]
15. Designation of all means of vehicular access onto public streets showing the size/location of driveways, curb cuts/curbing, and sight line/radii.	[ ]	[ ]	[ ]
16. Size and location of traffic patterns.	[ ]	[ ]	[ ]
17. Designation of the distance of the property line measured along the center line of existing streets abutting the property to the nearest intersection.	[ ]	[ ]	[ ]
18. The location, dimensions and construction details for all existing/proposed sidewalks.	[ ]	[ ]	[ ]
19. The location, size and type of all existing and proposed rights-of-way, easements and other encumbrances and the location and graphic description of any lands to be dedicated to the Township, the County or State.	[ ]	[ ]	[ ]
20. The location of all existing and proposed underground utilities and utility easements.	[ ]	[ ]	[ ]
21. Parking aisles, parking stalls and islands for parking aisles and striping of parking stalls in accordance with § 424-32 of Chapter 424, Site Plan Review. The parking spaces must be consecutively numbered.	[ ]	[ ]	[ ]
22. Location and size of loading docks.	[ ]	[ ]	[ ]
23. Existing and proposed topography at two-foot intervals for all slopes less than 10% and at five-foot intervals for all slopes greater than 10%. All contour lines shall be referenced to the New Jersey Geodetic Control Survey Datum. Contours shall be shown for the entire lot and for a distance of 25 feet around the perimeter of the entire lot.	[ ]	[ ]	[ ]
24. Flood zone and top of banks and boundaries of all floodways and flood hazard areas.	[ ]	[ ]	[ ]
25. The location and extent of ditches, streams, brooks or water mains, including wetlands and stream encroachment lines on the property and within 150 feet of the site.	[ ]	[ ]	[ ]
26. A signed statement and supporting calculations by a licensed Professional Engineer indicating what effect the development of the proposed site plan, if granted, would have on all property within 1,500 feet upstream and within 1,500 feet downstream from the site during and after a one-hundred-year design storm.	[ ]	[ ]	[ ]
27. Designation of all areas where the seasonal water table is zero feet from the surface.	[ ]	[ ]	[ ]
28. Stormwater Management Plan and Supporting Drainage Calculations.	[ ]	[ ]	[ ]
29. Soil logs, permeability tests and soil classification data.	[ ]	[ ]	[ ]
30. Location, size and slope of all existing and proposed sanitary sewer lines, pumping stations and connections to existing facilities within 500 feet of the site.	[ ]	[ ]	[ ]
31. Location, size and slopes of proposed building sewer laterals to the existing sanitary sewer line including type of pipe and cleanouts.	[ ]	[ ]	[ ]
32. Location, use, present and finished grade elevations at all corners and entrances, ground coverage, first floor and basement elevations, dimensions and front, side and rear setbacks of existing and proposed buildings.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
33. Floor plan and elevation drawings of all buildings with overall dimensions including exterior building materials, by a licensed Architect.	[ ]	[ ]	[ ]
34. Renderings and/or pictures of any proposed structure.	[ ]	[ ]	[ ]
35. A landscape plan shall be prepared by a landscape architect, architect or professional engineer specifying all planted areas and planted buffer areas, if required, the dimensions of each of the said areas and the percentage and square feet of the total site in planted area and planted buffer areas.	[ ]	[ ]	[ ]
36. A plan showing the location of any existing trees on the lot that are in excess of four inches in diameter at the base and the species or type of tree, together with a statement of what trees, if any, are proposed to be removed or will have to be removed by reason of change of grade or for any other reason in order to construct the project proposed, in addition to trees lost by reason of location of building or paved areas.	[ ]	[ ]	[ ]
37. Exterior lighting plan including location and details of outdoor lighting including flood lighting, streetlighting and external security lighting, computer-generated footcandle contours and point-by-point analysis extended at least 30 feet outside property lines.	[ ]	[ ]	[ ]
38. Cross section of the pavement section, showing curb and sidewalk.	[ ]	[ ]	[ ]
39. Construction details of curbs and storm drainage improvements, utility connections, lighting and signage.	[ ]	[ ]	[ ]
40. Manholes, pipe lengths, pipe sizes, grades, inverts and direction of flow.	[ ]	[ ]	[ ]
41. Location of existing and proposed signs, showing size, colors, setbacks, height, lighting and materials.	[ ]	[ ]	[ ]
42. Details of screening for refuse storage areas and outdoor equipment.	[ ]	[ ]	[ ]
43. Soil removal application in accordance with Chapter 446, Soil Removal.	[ ]	[ ]	[ ]
44. Where the development requires the establishment of access to a state or county road, applicant shall furnish driveway permits evidencing Department of Transportation or County of Sussex approval of same.	[ ]	[ ]	[ ]
45. Soil erosion and sedimentation control plan, pursuant to the requirements of N.J.S.A. 4:24-39 et seq.	[ ]	[ ]	[ ]
46. Traffic study, where required by the Board.	[ ]	[ ]	[ ]
47. Submission of a hydrogeological report in accordance with § 550-113 of Chapter 550, Zoning.	[ ]	[ ]	[ ]
48. Submission of an Environmental Impact Statement in accordance with Article V of Chapter 424, Site Plan Review.	[ ]	[ ]	[ ]
49. Proposed number of employees.	[ ]	[ ]	[ ]
50. Any other pertinent information deemed necessary by the Board in consideration of the proposed site plan.	[ ]	[ ]	[ ]

SUBDIVISION OF LAND

470 Attachment 6

Township of Fredon

Submission Requirements Checklist

Form E: Preliminary Major Subdivision Plan Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

The subdivision plat is required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of a signed and sealed preliminary plat drawn to a scale not less than one inch equals 50 feet. The plan shall be prepared by a licensed New Jersey professional pursuant to N.J.A.C. 13:40-7 et seq.	[ ]	[ ]	[ ]
2.	Eighteen copies of a current (not less than 12 months old) survey of the original tract of land to be subdivided, which shall be signed and sealed by a licensed New Jersey land surveyor.	[ ]	[ ]	[ ]
3.	Key Map (scale one inch equals 200 feet) of areas within a five-hundred-foot radius of the subdivision showing existing streets, names of streets, zone boundaries and/or Township boundary. Key Map must show scale and North arrow.	[ ]	[ ]	[ ]
4.	The tract name, Tax Map Sheet, block and lot number, date, reference meridian, graphic scale and the names and addresses of the record owner or owners, of the subdivider and of the person who prepared the map.	[ ]	[ ]	[ ]
5.	Written and graphic scale, North arrow and reference meridian.	[ ]	[ ]	[ ]
6.	Signature block for Chairperson, Secretary and Township Engineer.	[ ]	[ ]	[ ]
7.	The acreage of tract to be subdivided, to nearest tenth of an acre and in square feet.	[ ]	[ ]	[ ]
8.	Zoning districts and location of zoning boundaries with lot and block numbers and properties of parcels within 200 feet of property to be subdivided.	[ ]	[ ]	[ ]
9.	Names and addresses of all adjoining property owners as well as all property owners within 200 feet of the subject property.	[ ]	[ ]	[ ]
10.	Municipal boundaries shall be shown if located within 200 feet of the subject property.	[ ]	[ ]	[ ]
11.	Zoning schedule showing the zone in which the property is located and the zoning requirements showing the number of lots, minimum required lot area, yard setbacks, existing and proposed impervious coverage, etc., as compared to the proposed plan.	[ ]	[ ]	[ ]
12.	Front, rear, and side yard setback lines for each proposed lot.	[ ]	[ ]	[ ]
13.	Existing and proposed contours at five-foot intervals for slopes averaging 8% or greater and at two-foot intervals for land of lesser slope; also extending at least 100 feet outside the subdivision, except across streets.	[ ]	[ ]	[ ]
14.	All proposed lot lines and areas of lots in square feet to the nearest hundredth.	[ ]	[ ]	[ ]
15.	Accurate metes and bounds description of each new lot to be created.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
16. Preliminary on-site grading and drainage plan showing pipe types and sizes, invert elevations, grades and direction of flow of all surface water courses must be shown.	[ ]	[ ]	[ ]
17. The location of existing and proposed property lines, streets and street names, buildings, watercourses, railroads, bridges, culverts, drain pipes and any natural features such as wooded areas, rock formations and floodways/hazard areas. Calculations supporting the location of floodplain limits shall also be provided.	[ ]	[ ]	[ ]
18. Existing streets within 500 feet of the subject property shall be shown. The location and width of the right-of-way shall be depicted, as well as the paved width and type of pavement.	[ ]	[ ]	[ ]
19. The high and low points and tentative cross sections and center-line profiles for all proposed new streets showing all drainage, existing and proposed roadway grades, construction details of pavements, curbs, storm drainage improvements and any road dedications, in accordance with Chapter 470 of the Fredon Township Code.	[ ]	[ ]	[ ]
20. Stakes and tape shall be applied at the centerline of all proposed roads.	[ ]	[ ]	[ ]
21. All drainage and sight triangle easements shall be designated.	[ ]	[ ]	[ ]
22. Location, size and slope of all existing and proposed sanitary sewer lines, pumping stations and connections to existing facilities within 500 feet of the site.	[ ]	[ ]	[ ]
23. Location, size and slopes of proposed building sewer laterals to the existing proposed sanitary sewer line including type of pipe, slope and cleanouts.	[ ]	[ ]	[ ]
24. Plans of proposed utility layouts and services (water, gas and electricity) showing feasible connections to existing or any proposed utility systems.	[ ]	[ ]	[ ]
25. Plans and profiles of storm sewers, drainage ways and detention basins, together with pertinent runoff calculations and structural computations, sufficient to meet the drainage and zero runoff increase standards in Chapter 457, Stormwater Control.	[ ]	[ ]	[ ]
26. Stormwater Management Plan and supporting drainage calculations in conformance with RSIS and Township standards.	[ ]	[ ]	[ ]
27. A soil erosion and sediment control plan prepared by a licensed New Jersey professional engineer in accordance with specifications for soil erosion and sediment control of the Sussex County Soil Conservation District Certification.	[ ]	[ ]	[ ]
28. A plan showing the location of all existing trees on the lot that are in excess of four inches in diameter at the base and the species or type of tree, together with a statement of what trees, if any, are proposed to be removed or will have to be removed by reason of change of grade or for any other reason in order to construct the project proposed, in addition to trees lost by reason of location of building or paved areas.	[ ]	[ ]	[ ]
29. Land classification data which delineates slopes of 15% to 19.99%, slopes of 20% to 29.99%, and slopes of 30% or greater.	[ ]	[ ]	[ ]
30. Location and description of proposed monuments and/or corner markers.	[ ]	[ ]	[ ]
31. Colored tape shall be applied to the front corners of proposed lots.	[ ]	[ ]	[ ]
32. Soil logs, permeability tests and soil classification data on each lot and remainder.	[ ]	[ ]	[ ]
33. Traffic signage and safety plan.	[ ]	[ ]	[ ]
34. Streetlighting plan	[ ]	[ ]	[ ]
35. Soil movement application in accordance with Chapter 446, Soil Removal, and Chapter 441, Soil Erosion and Sediment Control.	[ ]	[ ]	[ ]
36. Traffic study, where required by the Board.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
37. Environmental impact statement in accordance with Article V of Chapter 424 of the Fredon Township Code.	[ ]	[ ]	[ ]
38. Hydrogeological report in accordance with § 550-113 of the Fredon Township Code.	[ ]	[ ]	[ ]
39. Information on unusual topographic, soil or flood conditions, as may be required by the Township Engineer.	[ ]	[ ]	[ ]
40. Residential cluster details, if applicable: a. Amount and location of open space and/or farmland to be conserved. b. Location and description of any common facilities to be provided. c. Description of organization to be established for ownership and maintenance of conserved land and common facilities.	[ ]	[ ]	[ ]
41. Any other pertinent information deemed necessary by the Board in the consideration of the proposed subdivision.	[ ]	[ ]	[ ]

470 Attachment 7

Township of Fredon

Submission Requirements Checklist

Form F: Final Major Site Plan Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

The final major site plan is required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	All items required for Preliminary Major Site Plans pursuant to Form D. The items provided during the Preliminary Major Site Plan application phase shall be updated to reflect any modifications in the development plan. Information must be provided sufficient to demonstrate that all of the conditions of the Preliminary Major Site Plan approval have been satisfied.	[ ]	[ ]	[ ]
2.	A letter containing a list of all items to be covered by a performance guarantee, the quantities of each item, the cost of them and the total amount of all items.	[ ]	[ ]	[ ]
3.	A letter from the Township Engineer stating that any completed improvements have been installed to his/her specifications and its performance guarantee is adequate to cover the cost of any remaining improvements.	[ ]	[ ]	[ ]
4.	A signed and sealed letter from the applicant's licensed Professional Engineer stating that the final plan conforms to the preliminary plan as submitted and approved.	[ ]	[ ]	[ ]
5.	A certification from the licensed Professional Engineer who prepared the plans that all of the information furnished is correct and accurate.	[ ]	[ ]	[ ]
6.	A current letter from each utility company stating that they will provide service to the site.	[ ]	[ ]	[ ]
7.	Application for NJDOT Highway Access Permit (if required).	[ ]	[ ]	[ ]
8.	Final architectural plans and elevations.	[ ]	[ ]	[ ]
9.	As-built plan of development, showing all required improvements as follows:	[ ]	[ ]	[ ]

a. Streets;
b. Street signs;
c. Streetlighting;
d. Parking lots and access drives;
e. Curbs and gutters;
f. Sidewalks;
g. Depressed curbs and ramps;
h. Striping, including stop bars and crosswalks;
i. Landscaping;
j. Sanitary sewers/septic system;
k. Central water system/well;
l. Culverts, inlets, storm drains, detention/water quality basins and structures;
m. Gate valves, curb boxes, and service lines;

	Complies	Deficient	Waiver Requested
n. Underground electric, CATV and telephone;			
o. All as-built mapping, to include:			
i. Plan view;			
ii. Profile;			
iii. Elevations of all drainage structures, including top of grate and inverts;			
iv. Cross-sections of all detention and water quality basins;			
v. Volume calculations for the detention and water quality basins.			

SUBDIVISION OF LAND

470 Attachment 8

Township of Fredon

Submission Requirements Checklist

Form G: Final Major Subdivision Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

The final subdivision plat is required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of final subdivision plat drawn to a scale not less than one inch equals 50 feet. Existing and proposed metes and bounds showing proposed lot lines and lot lines to be removed (if applicable). The plan shall be of standard size.	[ ]	[ ]	[ ]
2.	The map is to be drawn in compliance with the Map Filing Law.	[ ]	[ ]	[ ]
3.	Location and description of all monumentation as required per the "Map Filing Law," including all monuments found, set and to be set.	[ ]	[ ]	[ ]
4.	Key map scale of one inch equals 200 feet/400 feet/600 feet/800 feet.	[ ]	[ ]	[ ]
5.	The tract name, Tax Map Sheet, block and lot number(s), date prepared, and the names and addresses of the record owner or owners, of the property to be subdivided and of the person who prepared the map.	[ ]	[ ]	[ ]
6.	Written and graphic scale, north arrow and reference meridian.	[ ]	[ ]	[ ]
7.	Signature block for Chairperson, Secretary and Township Engineer.	[ ]	[ ]	[ ]
8.	Lot Areas. The Proposed Subdivision Map (see Form E) shall provide lot areas to the nearest 0.01 acre for each proposed lot.	[ ]	[ ]	[ ]
9.	Tract boundary lines, right of way lines of street, street names, easements and other rights of way, land to be reserved or dedicated to public use, all lot lines and other site lines, all with accurate dimensions, bearings or deflection angles and radii, arc length, central angles, and chord bearing and distance for all curves.	[ ]	[ ]	[ ]
10.	The purpose of any easement or land reserved or dedicated to public use shall be designated and the deeds shall be proposed.	[ ]	[ ]	[ ]
11.	The proposed use of sites other than residential shall be noted.	[ ]	[ ]	[ ]
12.	Block and lot numbers assigned by the Tax Assessor and street addresses assigned by the Post Office for each of the lots.	[ ]	[ ]	[ ]
13.	Minimum building setback line on all lots and other sites.	[ ]	[ ]	[ ]
14.	Street names designated, verified and approved by the Office of Emergency Management and approved by the Township Committee.	[ ]	[ ]	[ ]
15.	Certification that the applicant is the owner or agent.	[ ]	[ ]	[ ]
16.	The names of the owners of adjoining unsubdivided land.	[ ]	[ ]	[ ]
17.	A letter from the applicant's licensed New Jersey land surveyor stating that the final plat conforms to the preliminary plat as approved.	[ ]	[ ]	[ ]
18.	When approval of a plat is required by an officer or body of the Township, the county or state, approval shall be certified on the plat.	[ ]	[ ]	[ ]
19.	A letter containing a list of all items to be covered by a performance guarantee with quantities/cost of each item and total of all items.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
20. A letter from the Township Engineer stating that the required improvements have been installed to his/her satisfaction.	[ ]	[ ]	[ ]
21. As-built plan of development, showing all required improvements as follows:	[ ]	[ ]	[ ]
a. Streets;			
b. Street signs;			
c. Streetlighting;			
d. Curbs and gutters;			
e. Monuments;			
f. Sidewalks;			
g. Depressed curbs and ramps;			
h. Striping, including stop bars and crosswalks;			
i. Shade trees;			
j. Topsoil protection;			
k. Sanitary sewers and sewage disposal;			
l. Central water system;			
m. Culverts, inlets, storm drains, detention/water quality basins and structures;			
n. Gate valves, curb boxes, and service lines;			
o. Underground electric, CATV and telephone;			
p. All as-built mapping, to include:			
i. Plan view;			
ii. Profile;			
iii. Elevations of all drainage structures, including top of grate and inverts;			
iv. Cross-sections of all detention and water quality basins;			
v. Volume calculations for the detention and water quality basins.			
22. Residential cluster details, if applicable:	[ ]	[ ]	[ ]
a. Amount and location of open space and/or farmland to be conserved.			
b. Location and description of any common facilities to be provided.			
c. Description of organization to be established for ownership and maintenance of conserved land and common facilities.			

SUBDIVISION OF LAND

470 Attachment 9

Township of Fredon

Submission Requirements Checklist

Form H: Variance Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

Please note: If the variance application is part of a site plan or subdivision application, the information submitted in the site plan or subdivision application may also be used to fulfill the requirements of this checklist:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of accurate survey plot plan showing the property and the location of all buildings existing and proposed and their setbacks from property lines and other pertinent dimensions.	[ ]	[ ]	[ ]
2.	Site plan dimension details where required by the Planning Board or by ordinance.	[ ]	[ ]	[ ]
3.	Names and addresses of all adjoining property owners within 200 feet of the subject property.	[ ]	[ ]	[ ]
4.	Any municipal limits within 200 feet of the subject property and the names and zoning of the adjoining municipalities.	[ ]	[ ]	[ ]
5.	Floor Plans. If new buildings, expansion of existing buildings, or interior renovations are proposed, floor plans for existing and proposed buildings shall be submitted. Floor plans shall show the use and layout of internal space, and elevations shall show front, side, and rear building facades, both at a scale not exceeding eight feet per inch. Floor plans and elevations shall be prepared by a New Jersey licensed architect.	[ ]	[ ]	[ ]
6.	Design and Signage Plan. The height, size, materials and type of construction for all signs, fences, walls, outdoor lighting, disposal containers, recycling containers, and monitoring wells shall be illustrated in scale drawings.	[ ]	[ ]	[ ]
7.	Photographs of existing structures, topographical features and structures on adjoining properties.	[ ]	[ ]	[ ]
8.	Distances from existing and proposed buildings on the property to buildings and structures on adjacent lots.	[ ]	[ ]	[ ]
9.	Impact Evaluation. A detailed assessment of the effects of the development on the site itself, adjacent properties, the neighborhood, and the Township as a whole. The number of residents and/or employees who will occupy or use the site will be estimated. The analysis shall examine the effects upon the natural environment, land use patterns, traffic and circulation, visual quality, utility service, and drainage. It will also examine any potential safety hazards, any noise, glare, vibration, heat, odor, or air and water pollution associated with the use(s).	[ ]	[ ]	[ ]
10.	A table of proposed setbacks, lot areas, lot widths, building coverages, lot coverages, building areas, floor area ratios, residential density, number of regular and handicapped parking spaces and gross area of landscaping, compared to the related zoning requirements.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
11. The number of housing units, the amount of nonresidential floor area, and expansion potential incorporated in any building design.	[ ]	[ ]	[ ]
12. The proposed use(s) of each building.	[ ]	[ ]	[ ]
13. The hours of operation of any businesses, the number and frequency of shipments and deliveries and the nature of materials and chemicals used on the site.	[ ]	[ ]	[ ]
14. Location of proposed buildings and structures, including dimensions of same and showing setbacks from front, side and rear property lines.	[ ]	[ ]	[ ]
15. Location and layout of proposed parking, loading driveways and other vehicular circulation areas, sidewalks, bicycles paths or lanes and dimensions of the same.	[ ]	[ ]	[ ]
16. Location of any proposed easements or rights-of-way, if any, and the dimensions of same to a minimum distance of 200 feet beyond the tract boundaries.	[ ]	[ ]	[ ]
17. Location of proposed signs, fences, walls and similar improvements. If no signs are proposed, a statement indicating same shall be submitted.	[ ]	[ ]	[ ]
18. Location of landscaping areas, and dimensions of same.	[ ]	[ ]	[ ]
19. Location of disposal containers, recycling containers, and monitoring wells, if such wells are required.	[ ]	[ ]	[ ]

SUBDIVISION OF LAND

470 Attachment 10

Township of Fredon

Submission Requirements Checklist

Form I: Wireless Communication Tower Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

In addition to the applicable information required for Preliminary Major Site Plans pursuant to Form D, the following additional documentation and information shall be required as part of any cellular or other wireless tower site plan application:

		Complies	Deficient	Waiver Requested
1.	A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setback from property lines, elevation drawings of the proposed tower and other structures, topography, wood lands, tree lines, buffers or significant topographic terrain features, parking and other information deemed necessary to assess compliance with this chapter.	[ ]	[ ]	[ ]
2.	The setback between the proposed tower and the nearest residential unit.	[ ]	[ ]	[ ]
3.	Documentation by a qualified expert regarding the capacity of the proposed tower for the number and type of antennas.	[ ]	[ ]	[ ]
4.	Documentation by a qualified expert that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standards developed for antennas by the Electronic Industries Association (EIA) and/or the Telecommunication Industry Association (TIA) have been met and shall make available any unoccupied space in an existing equipment building or permit the co-locator to construct its own separate equipment building, if existing space is not available.	[ ]	[ ]	[ ]
5.	A letter of intent by the applicant, in a form acceptable to the Township Committee, indicating the applicant will share the use of any tower with other approved cellular or other wireless communications services. Additionally, the applicant shall make available to subsequent co-locators, any space in the applicant's existing equipment building, or if no additional space is available to address the needs of the proposed co-locator, the applicant shall make available a portion of the site for construction of an additional equipment building for the use of the proposed co-locator.	[ ]	[ ]	[ ]
6.	A visual sight distance analysis graphically simulating the appearance of any proposed tower and indicating the view from at least five locations around and within one mile of the proposed tower where the tower will be most visible.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
7. An overall comprehensive plan indicating how the applicant intends to provide full service throughout the Township and, to the greatest extent possible, how its plan to provide full service specifically relates to and is coordinated with the needs of all other providers of cellular or other wireless communication services within the Township of Fredon. Specifically, the plan shall indicate the following: a. How the proposed antenna relates to the location of any existing towers within the Township of Fredon. b. How the proposed location relates to the anticipated need for additional antennas and supporting towers within and near the Township of Fredon by the applicant and by other providers of cellular or other wireless communications services within the Township. c. How proposed location relates to the objective of allocating the antennas of many different providers of cellular or other wireless or other forms of wireless communication services on the same tower. d. How the proposed location relates to the overall objective of providing full cellular or other wireless or other forms of wireless communication services within the Township of Fredon while, at the same time, limiting the number of towers to the fewest possible. e. A radio frequency (RE) emissions report from a qualified expert detailing latent site emissions.	[ ]	[ ]	[ ]
8. Upon completion of the construction of the facility, as-built drawings (plans and profiles) certified by a land surveyor licensed by the State of New Jersey shall be submitted showing all improvements, appurtenances, structures and conditions at the time of preparation.	[ ]	[ ]	[ ]
9. The applicant shall protect and preserve, by deed restriction, which shall be subject to the approval of the Township Attorney, all existing, proposed and/or required buffers, subject to reasonable construction easements to facilitate completion of all proposed improvements.	[ ]	[ ]	[ ]

SUBDIVISION OF LAND

470 Attachment 11

Township of Fredon

Submission Requirements Checklist

Form J: Agricultural Subdivision Application

Applicant's Name _____

Location of Development _____

Block _____ Lot _____

The agricultural subdivision plat is required to contain the following information:

		Complies	Deficient	Waiver Requested
1.	Eighteen copies of the agricultural subdivision plat signed and sealed by a professional engineer in the State of New Jersey.	[ ]	[ ]	[ ]
2.	Current survey (not less than 12 months old) of the property to be subdivided, including date, raised seal, and signature of New Jersey licensed land surveyor.	[ ]	[ ]	[ ]
3.	The plat shall be drawn to an appropriate scale not greater than one inch equals 50 feet.	[ ]	[ ]	[ ]
4.	Existing and proposed property lines with metes and bounds description and angle-distance bearings.	[ ]	[ ]	[ ]
5.	Key Map (scale one inch equals 200 feet) showing the location of the tract in relation to the surrounding area within a five-hundred-foot radius, showing names of existing streets, zone boundaries and/or Township boundary. Key Map must show scale and North arrow.	[ ]	[ ]	[ ]
6.	Title block must contain the name of the applicant and owner, preparer, tax lot and block numbers assigned by the Tax Assessor, date prepared, date of any revisions and the zoning district.	[ ]	[ ]	[ ]
7.	Street addresses and house numbers to be verified by the Office of Emergency Management for 911 purposes.	[ ]	[ ]	[ ]
8.	Written and graphic scale, North arrow and reference meridian.	[ ]	[ ]	[ ]
9.	Signature block for Chairperson, Secretary and Township Engineer.	[ ]	[ ]	[ ]
10.	A schedule of required zone district requirements and compliance and/or noncompliance with the requirements.	[ ]	[ ]	[ ]
11.	The name, signature, seal and certification of the land surveyor who has drawn the subdivision plat.	[ ]	[ ]	[ ]
12.	The point of beginning shall be designated.	[ ]	[ ]	[ ]
13.	Names and addresses of all adjoining property owners. If variance is required, names and address of all property owners within 200 feet of the subject property.	[ ]	[ ]	[ ]
14.	Any municipal limits within 200 feet of the subject property and the names and zoning of the adjoining municipalities.	[ ]	[ ]	[ ]
15.	All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.	[ ]	[ ]	[ ]
16.	All existing and proposed streets or roads within 200 feet of the subject property, including the width of the right-of-way and existing/proposed curbs and sidewalks. Although the Planning Board may waive requirement of proposed curbs and sidewalks, they must be shown on the map.	[ ]	[ ]	[ ]

	Complies	Deficient	Waiver Requested
17. Location of physical features including streams, wetlands, and floodplains within 200 feet of the subject property.	[ ]	[ ]	[ ]
18. Location of existing structures and their setbacks from existing and proposed property lines.	[ ]	[ ]	[ ]
19. All existing or new storm and sanitary sewers proposed to be utilized, showing sections adjoining the portion of the tract to be subdivided, with invert and surface elevations and cleanouts.	[ ]	[ ]	[ ]
20. Area of existing and proposed lots in square feet and acres.	[ ]	[ ]	[ ]
21. The proposed lot layout and lot dimensions, including the width of lots at building setback lines.	[ ]	[ ]	[ ]
22. All existing and proposed easements for drainage sewers, sidewalk, etc., with angle-distance bearings. The Township will require drainage easements along streams as recommended by the Township Engineer where none already exist.	[ ]	[ ]	[ ]
23. All public property and property proposed to be dedicated in the tract, accurately outlined and described with existing or proposed uses designated.	[ ]	[ ]	[ ]
24. Proposed monuments and/or corner markers.	[ ]	[ ]	[ ]
25. Colored tape shall be applied to corner of lot(s).	[ ]	[ ]	[ ]
26. Information on unusual topographic, soil or flood conditions, as may be required by the Township Engineer.	[ ]	[ ]	[ ]
27. Any other pertinent information deemed necessary by the Board in the consideration of the proposed subdivision, including but not limited to engineers reports, Board of Health Reports, county approvals, and other departmental reports of various county and state agencies.	[ ]	[ ]	[ ]

Chapter 484

TELEVISION COAXIAL SYSTEMS

ARTICLE I
Unauthorized Service

§ 484-1. Prohibited activities.

[HISTORY: Adopted by the Township Committee of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Cable television franchise — See Ch. A575.

ARTICLE I
Unauthorized Service
[Adopted 5-3-1971 (Sec. 3-2 of the 1972 Revised General Ordinances)]

§ 484-1. Prohibited activities.

No person shall willfully or maliciously, without the consent of the owner, tamper with, break, injure or otherwise destroy or damage in any way any of the posts, poles, cables, wires, fixtures, antennas, amplifiers or other apparatus, materials, equipment or appliances of any television coaxial cable system or community antenna television system; or tap or connect directly or indirectly by wire or any other means whatsoever into, to, or with any such television coaxial cable system or community antenna television system so as to make use of, hear, observe or be in a position to make use of, hear, observe or enable any other person to make use of, hear, observe, or be in a position to make use of, hear or observe for any use or purpose whatsoever any message, picture or signal going over any such cable or system aforementioned or to receive or enable or assist any other person to receive any unauthorized service over any such cable or system.

Chapter 499

TRAILER CAMPS

§ 499-1. Definitions.
§ 499-2. License required.
§ 499-3. Application.
§ 499-4. Publication of notice.
§ 499-5. Facility requirements.
§ 499-6. Renewal of license.
§ 499-7. Bond required.
§ 499-8. Site requirements.
§ 499-9. Service charge.
§ 499-10. Parking of trailers.
§ 499-11. Revocation and suspension.
§ 499-12. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 9-24-1953 (Sec. 4-2 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 372.

§ 499-1. Definitions. [Amended 6-27-1960]

As used in this chapter, the following terms shall have the meaning indicated:

TRAILER — Any trailer, trailer coach, camp car or any similar unit used for living, sleeping or business purposes, by one or more persons, which is equipped or capable of being equipped with wheels or similar devices used for the purpose of transporting the unit from place to place, whether it be self-propelled or otherwise.

TRAILER CAMP — Any tract of land designed, maintained or intended for the purpose of supplying a location or accommodation for a trailer but shall not include lots on which unoccupied trailers may be parked for the purpose of sale.

§ 499-2. License required.

No person shall maintain or operate within the limits of the Township any trailer camp for hire or without charge unless such person first obtains a license therefor.

§ 499-3. Application.

A. A license shall be applied for in writing and filed with the Township Clerk. The application shall include the following information:

(1) The name and address of the applicant and the name and address of the owner of the property if the applicant does not own the premises.

(2) Plot plan showing the extent of the area to be used for camp purposes, adjoining streets and driveways within the proposed premises, location of the sites for trailers, location and number of sanitary conveniences including plans and specifications therefor, method and plan of sewage disposal and garbage removal, plans and specifications for electrical lighting or furnishing of electrical supply.

B. The application shall be accompanied by the license fee as set forth in § 245-2D, which shall be paid annually on July 1 but which shall be prorated during the year when an applicant first makes application for a license.

C. If an application for a license is denied, the Township shall refund 1/2 of the license fee, unless the amount prorated is less than $50, in which event the entire deposit shall be retained by the Township Committee.

§ 499-4. Publication of notice.

The applicant for a license shall be required to publish a notice of such application once a week for two weeks prior to the time the license is granted. Where the application is for premises upon which the required facilities have not as yet been constructed, the granting of the license shall be upon condition that the construction of the camp follows the plans and specifications filed with the license application.

§ 499-5. Facility requirements.

A. Inspection. Before a license is issued, the premises shall be inspected by at least one member of the Township Committee, the Township Clerk and the health officer.

B. Compliance with law. Applicants for licenses shall comply with all ordinances or valid rules and regulations of the Township Committee or the Board of Health before a license is issued.

C. Land. All trailer camps shall be located on a tract which provides 600 square feet of space per trailer site and the trailer sites shall be arranged in rows facing on a driveway not less than 20 feet in width, which driveway shall have unobstructed access to a public street or within 20 feet of any adjoining property. Driveways shall not be located within 20 feet of any adjoining property.

D. Drainage. Every trailer camp shall be located on a well-drained area and the premises shall be properly graded to prevent the accumulation of storm or other waters.

E. Pure water. An adequate supply of pure water furnished through a pipe distribution system for drinking and domestic purposes shall be maintained. Supply faucets shall be located within 100 feet of any trailer campsite and no common drinking vessels shall be permitted. An abundant supply of hot water shall be provided at all times sufficient to provide water for bathing, washing and laundry.

F. Service building. Every trailer camp shall have erected thereon, at a distance not greater than 200 feet from the site it is designed to serve, a suitable building for housing toilets, showers and laundry facilities as required by this section. In the building there shall be

located separate toilet rooms for each sex and there shall be provided at least one toilet for each sex for every five trailer sites. Toilet rooms shall contain lavatories with hot and cold water and shall be separately enclosed from the remainder of facilities in the service building. Separate enclosed bathing facilities for each sex with showers shall be provided on the same ratio and the bathing compartment shall contain a dressing room of at least 12 square feet. Bathing compartments shall be separate from toilet facilities.

G. Laundry. Laundry facilities shall be provided at the ratio of one double tray and one ironing board for each five campsites proposed.

H. Sanitary requirements. Floors of toilets, showers and laundry shall be of concrete, tile or other material impervious to water and shall be pitched to a floor drain. Such rooms shall be cleaned at least once daily when trailer campsites are occupied and shall generally he kept in a clean and sanitary condition at all times.

I. Waste and garbage disposal. The method of waste and garbage disposal shall be adequate to take care of the proposed campsites and must provide septic tank disposal for all sewage or wastewater of a size adequate to provide for the facilities and the number of campsites proposed. No wastewater shall be thrown or discharged upon the surface of the ground. Sanitary facilities in any trailer shall be sealed by the licensee during the time when it is located at any campsite. Every trailer campsite shall be provided with a substantial flytight metal garbage disposal from which the contents shall be removed once daily by the licensee or his agents and disposed of according to the method and plan of waste and garbage disposal.

J. Electricity and lighting. Each trailer camp shall provide an electric service outlet for each trailer campsite and shall also provide illumination of the entire trailer camp which will keep the driveways in the trailer camp clearly illuminated during the period from one hour after sunset until dawn.

§ 499-6. Renewal of license.

Each year after a license is originally issued and on June 1, the licensee shall file application for a renewal of any license heretofore issued. In the event a licensee enlarges the area licensed or changes the facilities available at his camp, he shall first make application for permission to do so, furnishing revised plans or specifications where necessary. The Township Committee may prescribe forms for original or renewal applications.

§ 499-7. Bond required.

Each applicant for a license shall deposit with the Township committee a bond in the sum of $5,000 to secure his compliance with the terms of this section.

§ 499-8. Site requirements.

A. In every trailer camp there shall be an office building which shall be attended at all times. The license issued under this section shall be posted therein and the trailer camp register shall be kept in this office.

B. It shall be the duty of the attendant or person in charge as well as the licensee to at all times keep the register of all guests showing name and address, marital status of all guests, and license number of all automobiles and trailers, including state of registration. A copy of new registration information shall be delivered to the Township Clerk once each day before 10:00 a.m. showing the above data with regard to any new guests.

C. The camp shall be maintained in a clean, orderly and sanitary condition at all times.

D. It shall be unlawful to permit dogs, cats or other animals or pets to run at large in the camp or elsewhere.

E. The camp shall maintain fire extinguishers at a ratio of one to each three sites which shall be available for use by occupants.

§ 499-9. Service charge.

In addition to the license fee imposed by this section, the licensee shall collect and pay a service and inspection charge of $1 per day for each trailer campsite occupied. This service and inspection charge shall be paid to the Township Clerk daily.

§ 499-10. Parking of trailers. [Amended 12-22-1959; 6-27-1960]

A. No person owning any trailer shall locate, park, keep, or maintain a trailer upon any lot or tract of land within the Township except in an enclosed building or in a licensed trailer camp, except that the trailer may be parked for not longer than three hours for the purpose of shopping or other legitimate reason on any of the streets in the Township where parking is otherwise permitted.

B. No trailer may be parked in a trailer camp in the Township for a period longer than 60 days in any one calendar year.

§ 499-11. Revocation and suspension.

After notice and hearing, the Township Committee may revoke or suspend the license of any licensee who violates the provisions of this section or who refuses to permit the inspection of a trailer camp by the Township Clerk or the Township health department upon request made for such inspection. The licensed premises shall be open to such inspection at all times.

§ 499-12. Violations and penalties. [Amended 6-5-1972]

Any penalty resulting from conviction for violation of any provision of this section shall not prevent the imposition of revocation or suspension in accordance with § 499-11.

Chapter 505

VACANT AND ABANDONED PROPERTIES

ARTICLE I
Registration of Vacant Properties

§ 505-1. Definitions.
§ 505-2. General requirements.
§ 505-3. Registration statement requirements; property inspection.
§ 505-4. Fee schedule.
§ 505-5. Requirements for owners of vacant and abandoned property.
§ 505-6. Administration.
§ 505-7. Violations and penalties.
§ 505-8. Compliance with other provisions.

ARTICLE II
Responsibilities of Creditors

§ 505-9. Responsibilities of creditors; violations and fines.

ARTICLE III
Municipal Powers to Rehabilitate Abandoned Properties

§ 505-10. Powers granted.
§ 505-11. Public officer.
§ 505-12. Abandoned property.
§ 505-13. Abandoned Property List.
§ 505-14. Rights of owners of abandoned properties.
§ 505-15. Municipal powers.
§ 505-16. Rights of utilities.
§ 505-17. Interpretation.

[Adopted by the Township Committee of the Township of Fredon 5-24-2016 by Ord. No. 2016-03. Amendments noted where applicable.]

ARTICLE I
Registration of Vacant Properties

§ 505-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED PROPERTY — As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

A. Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

(1) The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;

(2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;

(3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the public officer pursuant to this section; or

(4) The property has been determined to be a nuisance by the public officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

B. A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as 2/3 or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either Subsection A(1) or Subsection A(4) of this definition.

EVIDENCE OF VACANCY —

A. Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

B. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this chapter.

OWNER — Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Township of Fredon to act with respect to the property.

VACANT PROPERTY — Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have

ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

§ 505-2. General requirements.

A. The owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Township of Fredon on forms provided by the Township of Fredon for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in § 505-4 of this chapter for each vacant property registered. The initial and renewal fees shall be prorated and/or credited accordingly upon legal occupancy.

B. Any owner of any building that meets the definition of "vacant property" prior to May 24, 2016, shall file a registration statement for that property on or before July 23, 2016. The registration statement shall include the information required under § 505-3 of this chapter, as well as any additional information that the public officer may reasonably require.

C. The owner shall notify the Township of Fredon within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Township of Fredon for such purpose.

D. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Fredon against the owner or owners of the building.

§ 505-3. Registration statement requirements; property inspection.

A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Township of Fredon Health Officer if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a certificate of occupancy inspection as provided in the applicable provisions of the Code of the Township of Fredon.

B. The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent

must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

C. An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Township of Fredon of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

§ 505-4. Fee schedule.

The initial registration fee for each building shall be $250. The fee for the first renewal is $500. The fee for any subsequent renewal is $1,000. After five years, the registration fee shall be $5,000. The initial fee shall be prorated according to the month of registration, and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

Vacant and Abandoned Property Registration Fee Schedule

Registration	Fee
Initial registration	$250
First renewal	$500
Any subsequent renewal up to 5 years	$1,000
After 5 years	$5,000

§ 505-5. Requirements for owners of vacant and abandoned property.

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:

A. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to § 505-3 of this chapter), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and

B. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Township of Fredon and maintain the sign required in Subsection A above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

C. Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions as per this chapter; and

D. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Township of Fredon for the delivery of circulars and advertisements to the property; and

E. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system; and

F. Make provision for the cessation of electric or gas utility services to the property, other than buildings with a fire sprinkler system; and

G. Make provision for the regular maintenance of the exterior of the property.

§ 505-6. Administration.

The Township of Fredon Mayor and Committee shall issue rules and regulations for the administration of the provisions of this section.

§ 505-7. Violations and penalties.

A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall be subject to a fine of not less than $500 and not more than $1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

B. For purposes of this article, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of § 505-5 of this chapter, or such other matters as may be established by the rules and regulations of the Township of Fredon shall be deemed to be a violation of this article.

§ 505-8. Compliance with other provisions.

Nothing in this article is intended to nor shall be read to conflict with or prevent the Township of Fredon from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Township of Fredon and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this article.

ARTICLE II
Responsibilities of Creditors

§ 505-9. Responsibilities of creditors; violations and fines.

A. Pursuant to the provisions of N.J.S.A. 40:48-2.12s, the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. This obligation applies whether or not the determination that the property is vacant and abandoned is made by the public officer pursuant to N.J.S.A. 2A:50-73.

B. If the creditor is located out of state, the creditor shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

C. An out-of-state creditor shall include the full name and contact information of the in-state representative or agent in the notice required to be provided to the Municipal Clerk pursuant to N.J.S.A. 46:10B-51a(1).

D. An out-of-state creditor found by the Municipal Court, or by any other court of competent jurisdiction, to be in violation of any provision of this article shall be subject to a fine of $2,500 for each day of the violation, commencing on the day after the ten-day period set forth in N.J.S.A. 46:10B-51a(1) for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose has been served.

E. A public officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer described in this chapter, shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or enforcement officer determines that the creditor has violated this chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.

F. A creditor found by the Municipal Court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to § 505-9A shall be subject to a fine of $1,500 for each day of the violation commencing 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

ARTICLE III
Municipal Powers to Rehabilitate Abandoned Properties

§ 505-10. Powers granted.

The Township of Fredon hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78 et seq.)

and in applicable portions of the New Jersey Urban Development Corporation Act (N.J.S.A. 55:19-1 through 55:19-77). These state statutory powers are collectively referred to herein as the "enabling statutes."

§ 505-11. Public officer.

The public officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, shall be designated by resolution of the Township Committee.

§ 505-12. Abandoned property.

The public officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The public officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

§ 505-13. Abandoned Property List.

The public officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the public officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

§ 505-14. Rights of owners of abandoned properties.

The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:

A. Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e;

B. Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;

C. Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.

§ 505-15. Municipal powers.

The Township of Fredon has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:

A. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;

B. Special tax sales, pursuant to N.J.S.A. 55:19-101;

C. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;

D. Recourse directly against the property owner, pursuant to N.J.S.A. 55:19-100;

E. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;

F. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;

G. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;

H. Sale of property, pursuant to N.J.S.A. 55:19-96;

I. Purchase of property, pursuant to N.J.S.A. 55:19-96;

J. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;

K. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56 and 55:19-102.

§ 505-16. Rights of utilities.

Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

§ 505-17. Interpretation.

All references in this chapter to state statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

Chapter 510

VEHICLES, ABANDONED

§ 510-1. Definitions.

§ 510-2. Abandonment of vehicles prohibited.

§ 510-3. Leaving of wrecked, nonoperating vehicles on street prohibited.

§ 510-4. Disposition of wrecked or discarded vehicles.

§ 510-5. Impounding.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 12-30-1964; amended in its entirety 6-5-1972 (Sec. 3-1 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Junkyards — See Ch. 317.
Vehicles and traffic — See Ch. 515.
Zoning — See Ch. 550.

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§ 510-1. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

PROPERTY — Any real property within the Township which is not a street or highway.

STREET or HIGHWAY — The entire width between the boundary lines of every way maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLE — A machine propelled by other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and to transport persons or property or pull machinery, including, but not by way of limitation, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

§ 510-2. Abandonment of vehicles prohibited.

No person shall abandon a vehicle within the Township and no person shall leave a vehicle at any place within the Township for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

§ 510-3. Leaving of wrecked, nonoperating vehicles on street prohibited.

No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on a street or highway within the Township.

§ 510-4. Disposition of wrecked or discarded vehicles.

No person in charge or control of property within the Township, whether as owner, tenant, occupant, lessee or otherwise, shall allow partially dismantled, nonoperating, wrecked, junked or discarded vehicles to remain on the property longer than 48 hours; and no person shall leave such vehicles on any property within the Township for a longer time than 48 hours. This subsection shall not apply to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Township.

§ 510-5. Impounding.

The Township committee shall give notice to have removed any vehicle left at any place within the Township which appears to be present in violation of this section. Such a vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable statutes. The Township committee shall notify the registered and legal owner in writing by personal service or by certified mail, at the last known address of the owner, of the removal of the vehicle, the reason for the removal, and the location of the vehicle. The vehicle shall be retained and impounded until the owner or his authorized agent pays the cost of such taking and removal, together with a garage charge of $2 for each day that the vehicle is retained and impounded.

Chapter 515

VEHICLES AND TRAFFIC

§ 515-1. Words and phrases defined.

§ 515-2. Official time standard.

§ 515-3. Parking.

§ 515-4. Trucks over four tons excluded.

§ 515-5. Speed limits.

§ 515-6. Violations and penalties, parking and trucks over four tons.

§ 515-7. Stop intersections.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 6-5-1972 (Ch. IIIA of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles — See Ch. 510.

Motorized sport vehicles — See Ch. 522.

§ 515-1. Words and phrases defined.

Whenever any words and phrases are used in this chapter, the meanings respectively ascribed to them in N.J.S.A. 39:1 shall apply to such words and phrases.

§ 515-2. Official time standard.

Whenever certain hours are named in this chapter, they shall mean either Eastern standard time or Eastern daylight saving time, as may be in current use in the Township.

§ 515-3. Parking.

A. Regulations not exclusive. The provisions of this chapter imposing a time limit on parking shall not relieve any person of the duty to observe other more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in N.J.S.A. 39:4-138, any other New Jersey statute or as hereinafter provided.

B. Overnight parking. No person shall park any vehicle overnight on any street or road in the Township between the hours of 2:00 a.m. and 6:00 a.m. Any person violating this provision shall, upon conviction, be subject to a fine in accord with § 515-6. **[Amended by Ord. No. 2001-10]**

C. Snow removal; restricted parking. To facilitate snow removal, no person shall park any vehicle at any time on any public street in the Township during the period commencing November 1 of each year and continuing through and including April 15 of the following year. **[Added by Ord. No. 10-78]**

§ 515-4. Trucks over four tons excluded. [Added by Ord. No. 11-80; amended by Ord. No. 5-83; Ord. No. 5-84; Ord. No. 2001-10]

Trucks over four tons gross weight are hereby excluded from the following described streets or parts of streets, except for the pick up and delivery of materials thereon:

Name of Street	Location
Anderson Hill Road	Between NJ Route 94 and Sussex County Road 622
Fredonia Road	Between NJ Route 94 and Phil Harden Road
Phil Hardin Road	Between NJ Route 94 and County Road 519 (Ridge Road) and shall exit uphill only
Puder Road	Between Dixon Road and Stillwater Station Road
Van Horn Road	Between Anderson Hill Road and Sussex County Road 614
Warner Road	Between NJ Route 94 and Fredon-Marksboro Road

§ 515-5. Speed limits. [Added by Ord. No. 1-86; amended by Ord. No. 10-88; Ord. No. 10-89; Ord. No. 12-90; Ord. No. 98-12; Ord. No. 2000-09; Ord. No. 2001-05; Ord. No. 2006-10]

Regulatory and warning signs shall be erected and maintained to the effect for the speed limits listed below, as authorized by the Department of Transportation:

Name of Street	Direction	Location	Speed Limit (mph)
Elm Drive	Both	Entire length	25
Entrance Way	Both	Entire length	25
Farm Creek Road	Both	Between Stillwater Road (CR 610) and a point 2,500 feet north of Stillwater Road (CR 610), the northernmost terminus	25
Fredon-Greendell Road	Both	From its intersection with County Route 519 to its intersection with Route 94	35
Fredonia Road	Both	Entire length	30
Fredon-Marksboro Road	Both	Between the Sussex County-Warren County Line and Stillwater Road (County Route 610)	35
Fredon-Springdale Road	Both	From Route NJ 94 to County Road 618	35
Irving Place	Both	Entire length	25
Lower Hill Road	Both	Entire length	25
Oak Tree Road	Both	Entire length	25

Name of Street	Direction	Location	Speed Limit (mph)
Old Swartswood Road	Both	Entire length	35
Scenic Drive	Both	Entire length	25
Upper Hill Road	Both	Entire length	25
Van Horn Road **[Added 3-12-2009 by Ord. No. 2009-02]**	Both	From Paulinskill Lake Road 1.8 miles to Anderson Hill Road	30

§ 515-6. Violations and penalties, parking and trucks over four tons. [Added by Ord. No. 10-78; amended by Ord. No. 2001-10]

Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty as follows:

A. First offense: $50.

B. Second offense: $100.

C. Third offense: not less than $200 (court appearance required).

§ 515-7. Stop intersections. [Added by Ord. No. 2000-08]

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop Signs Installed on
Scenic Drive and Lower Hill Road	Lower Hill Road
Scenic Drive and Upper Hill Road	Upper Hill Road

Chapter 522

VEHICLES, MOTORIZED SPORT

§ 522-1. Findings.
§ 522-2. Definitions.
§ 522-3. Unlawful acts.
§ 522-4. Helmet required; operation.
§ 522-5. Impoundment.
§ 522-6. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Fredon Ord. No. 10-86 (Sec. 3-7 of the 1972 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 515.

§ 522-1. Findings.

Increased use of motorized sport vehicles throughout the Township, without any regard for the rights of the property owners whose property is used for the operation of these motorized sport vehicles, without the permission of such landowners, and without regard for the noise emanating from such motor vehicles or the dirt and dust raised up into the air by the operation of these motorized sport vehicles, has increased to such a degree that these motorized sport vehicles are not only hazardous and detrimental to property owners and residents, but also to those who operate them with no regard for their own safety or the safety of others.

§ 522-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MOTORIZED SPORT VEHICLES — Any two-, three-, or four-wheeled vehicle that is motor-propelled or contains a motor to assist the operation of such vehicle, and which vehicles are commonly referred to as dirt bikes, minibikes, go-carts, all-terrain vehicles (ATV), dune buggies, snowmobiles and trail bikes, which vehicles by their nature and design are not intended to be used and operated along paved roads and highways but are intended rather to be operated in dirt, sand, up and down hills, along trails and in similar-type areas.

PRIVATE PROPERTY — All lands and buildings in the Township of Fredon not included in the definition of "public property" or part of the public road system.

PUBLIC PROPERTY — Lands and buildings owned or leased by the Township of Fredon, the Fredon Township Board of Education, the County of Sussex or the State of New Jersey or any other equivalent public body. This definition specifically excludes any public roadways owned or maintained by any of the aforementioned public entities.

§ 522-3. Unlawful acts.

It shall be unlawful:

A. To operate a motorized sport vehicle upon public property at any time.

B. To operate a motorized sport vehicle on private property, other than that private property owned by the family of the operator, without the written consent of all of the owners of the private property.

C. To operate a motorized sport vehicle during the period of one hour after sunset until four hours after sunrise.

D. To operate a motorized sport vehicle on private property, other than the property of the family of which the operator is a residing member, by a person under the age of 15 years.

E. To operate a motorized sport vehicle, that either cannot be registered with the Director of the Division of Motor Vehicles or is not registered with the Director of the Division of Motor Vehicles, upon any public street, roadway, highway or within the boundaries of the public right-of-way within the Township of Fredon.

F. To operate a motorized sport vehicle that causes noises that are disturbing and bothersome to adjoining property owners.

G. To operate a motorized sport vehicle so as to cause it to propel sand, dirt, dust, rocks, gravel or other similar materials into the air so as to be likely to injure persons and/or damage property.

H. To operate a motorized sport vehicle without the motorized vehicles containing a muffler or other similar device to reduce the sound coming from the engine of the vehicle.

I. To operate a motorized sport vehicle on public or private property in such a way as to harass, worry or disturb farm animals, domestic livestock or wildlife, or to destroy or damage crops or farm produce.

J. To operate a motorized sport vehicle without the original or replacement fenders so as to keep objects upon the ground from being propelled into the air.

K. To operate a motorized sport vehicle near any public roadway so that the operation of such motorized sport vehicle would cause operators of automobiles, motorcycles or trucks to have to take evasive or irregular action to move away from such motorized sport vehicle.

L. To operate a motorized sport vehicle without the motorized sport vehicle being in proper operating condition, which means that all of the original operating equipment specified by the original manufacturer must be present on the vehicle or replacement equipment equal to the specifications of the original manufacturer's equipment are present and in operating condition at least equal to the manufacturer's requirements for the proper operation thereof.

M. To operate a motorized sport vehicle on any private street or right-of-way within the Township of Fredon without the written permission of the owner of the private street or right-of-way.

N. To operate a motorized sport vehicle in a careless, reckless or negligent manner which endangers the safety of any person, including the operator, or the property of any person.

O. To operate a motorized sport vehicle while under the influence of liquor or drugs, in accordance with the requirements and definitions of N.J.S.A. 39:4-50.

§ 522-4. Helmet required; operation.

A. The operator of a motorized sport vehicle shall wear a helmet upon his/her head and goggles or face shields on his/her face.

B. No person operating a motorized sport vehicle or motorcycle shall engage in fancy or trick riding, remove both hands from the handlebar or ride without maintaining full control of the motorized sport vehicle.

C. No person operating a motorized sport vehicle shall carry any other person on it except in a place designated for such purpose and equipped for such purpose as part of the original manufacture for such purpose.

§ 522-5. Impoundment.

A. It shall be the duty of any police officer to:

(1) Impound any motorized sport vehicles operating on public or private property and alleged to be in violation of § 522-3, Unlawful acts, hereof.

(2) Impound any motorized sport vehicle operating on the public roadways in violation of any state statute or regulation.

B. The period of impoundment for the motorized sport vehicle shall be from the date of the alleged violation until the disposition of the alleged offense by the joint Township municipal court, or other court of competent jurisdiction. The owner and operator shall be responsible to pay the reasonable cost of the removal of the motorized sport vehicle and for the storage constituting the impoundment, in accordance with the Fredon Township fee schedule. The expense of removal and storage shall be in addition to any other fine or penalty levied or collected under the terms of this chapter.

§ 522-6. Violations and penalties. [Amended by Ord. No. 99-06]

For any violation of the terms of this chapter, the offender shall be liable for a penalty of $100 for the first offense, $250 for the second offense and a fine of up to $500 with up to 90 days' imprisonment for third and subsequent offenses. For the purposes of this chapter, an offense shall be considered a subsequent offense if committed within one year of a prior violation of this chapter.

Chapter 531

WATER

ARTICLE I
Individual and Semipublic Water Supply

§ 531-1. Title.

§ 531-2. Adoption by reference.

§ 531-3. Public record.

§ 531-4. Permit and certification.

§ 531-5. Violations and penalties.

[HISTORY: Adopted by the Board of Health of the Township of Fredon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 245.

Individual sewage disposal systems — See Ch. 412.

ARTICLE I
Individual and Semipublic Water Supply
[Adopted 6-27-1972 (Ch. BH-V of the 1972 Revised General Ordinances)]

§ 531-1. Title.

The Code established and adopted by this chapter is described and commonly known as the "Individual and Semipublic Water Supply Code of New Jersey (1966)."

§ 531-2. Adoption by reference.

A code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted, pursuant to N.J.S.A. 26:3-69.1 to 69.6. A copy of such code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

§ 531-3. Public record.

Three copies of the Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the secretary, Clerk or other similar offices of this Board of Health upon the introduction of this chapter and will remain on file for the use and examination by the public.

§ 531-4. Permit and certification.

A. Permit required. No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of such water supply has been issued by the Board of Health.

B. Conditions for issuance. The Board of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the Code.

C. Issuance of certificate of compliance; operation of new water supply.

(1) New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied, which must rely on such supply for water, until the Board of Health has issued a certificate indicating that the water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificate shall not be required for alteration to an existing water supply.

(2) The Board of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Board of Health that the water supply has been located and constructed in accordance with the terms of the permit and the requirements of the aforesaid code.

D. Appeal. In case any permit or certification required by this chapter is denied by the Board of Health, a hearing shall be held thereon before the Board within 15 days after request therefor is made by the applicant and upon such hearing, the Board of Health shall affirm, alter or rescind its previous determination and take action accordingly within 15 days after the date of such hearing.

E. Violation; stop-work order. The Board of Health may order all further work in and about any water supply, which is being erected or installed in violation of the Code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the Code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

F. Fees and charges. Fees and charges shall be as set forth in § 245-2A of this Code. **[Amended by Ord. No. 4-79]**

§ 531-5. Violations and penalties. [Amended by Ord. No. 99-06]

Any person violating any of the provisions or of any order promulgated under this chapter or the Individual and Semipublic Water Supply Code of New Jersey (1966), made a part hereof, shall be liable for penalties in accord with the schedule shown in § 1-3, and each and every day that the violation is not abated constitutes a separate and subsequent offense.

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ZONING

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[HISTORY: Adopted by the Township Committee of the Township of Fredon by Ord. No. 1-79 (Ch. X of the 1972 Revised General Ordinances); amended in its entirety 11-22-2010 by Ord. No. 2010-12. Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures — See Ch. 45.
Animals — See Ch. 126.
Uniform construction codes — See Ch. 200.
Driveways — See Ch. 219.
Flood control — See Ch. 270.
Site plan review — See Ch. 424.
Soil erosion and sediment control — See Ch. 441.
Soil removal — See Ch. 446.
Stormwater control — See Ch. 457.
Streets and sidewalks — See Ch. 466.
Subdivision of land — See Ch. 470.

ARTICLE I
General Provisions

§ 550-1. Short title.

This chapter shall be known and may be cited as "The Zoning Ordinance of Fredon Township."

§ 550-2. Intent and purpose.

A. It is the intent of the Township in adopting this zoning ordinance to exercise the powers granted to the Township by the Municipal Land Use Law to promote the orderly growth of lands within the Township, taking into consideration the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land through the police power generally. It is further the intent of the Township in adopting this chapter to limit and restrict buildings and structures to specified districts and to regulate buildings and structures according to their type and nature and the extent of their use and to regulate the nature and extent of use of land for trade, industry, residence, open space or other purposes in order to avoid undue concentration of population and in order to protect the public health, safety and morals and promote the general welfare throughout the community as a whole.

B. This chapter is hereby ordained, by the Township Committee of the Township of Fredon, a land development ordinance pursuant to the provisions of N.J.S.A. 40:55D-1 et seq. in order to establish a pattern for the use of land predicated on the land use element of the Master Plan for the following purposes, as set forth therein:

(1) To preserve agricultural lands and open space, and to ensure that any future development of farmland that does occur includes a component of preservation and is designed to minimize any visual and environmental impacts that may occur.

(2) To preserve large tracts of land for open space and farmland by encouraging the development of new residential subdivisions in a cluster design.

(3) To protect areas constrained by steep slopes, wetlands, Category 1 streams, flood-prone areas, forested areas and areas with threatened or endangered habitat.

(4) To minimize the visual impact of future development on the rural landscape and scenic corridors and, within this context, make sure that new development is located in appropriate areas and that it provides the appropriate buffers necessary to protect the environment and minimize the visual impact.

(5) To enhance the historic character of the Township through proper site planning and architectural design.

(6) To provide a variety of housing types, densities and a balanced housing supply, in appropriate locations to serve the Township.

(7) To accommodate a broad array of housing types and encourage the provision of some townhouses and multifamily residential development within the Mixed-Use Market District (MUMD), but not encourage any additional attached residential development.

(8) To promote commercial and industrial development within established areas, specifically concentrating along the Route 94 corridor exclusively in the central portion of the Township.

(9) To encourage commercial farm uses that supplement the existing farms in the Township.

(10) To concentrate the development of additional community facilities in the center of the Township and enhance the level of community facilities to meet the current needs of the municipality while remaining consistent with the rural character of the Township.

(11) To promote utilization of renewable energy sources, such as solar energy, while providing for regulations relating thereto in order to minimize any actual or potential adverse effects, visual or otherwise, resulting therefrom. **[Added 6-14-2012 by Ord. No. 2012-05]**

§ 550-3. Effect on other provisions.

It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with existing provisions of other chapters or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon property by deed, covenant or other agreements. However, where this chapter imposes a greater restriction upon land, buildings or structures than that imposed by existing provisions of chapters, contract or deed, the provisions of this chapter shall control. Where the provisions of this chapter are, or become, repugnant to state or federal law and such differences cannot be reconciled therewith, the provisions of such law shall govern.

§ 550-4. Construal of provisions.

This chapter shall be read in para materia with Chapter 45, Land Use Procedures, and with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., to the end that all procedures, and to the extent possible, all substantive provisions of the zoning ordinances shall be in compliance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§ 550-5. Applicability in all zone districts.

Unless otherwise expressly provided, the provisions of this chapter shall apply in all zone districts.

§ 550-6. Interpretation.

In the interpretation and application of this chapter, the provisions hereof shall be held to be minimum requirements. Where other chapters of the Township Code overlap or conflict with this chapter in jurisdiction and effect, the more restrictive provisions of such chapter shall take precedence.

§ 550-7. Conformance with provisions.

No land may be used and no structure may be erected, raised, moved, extended, enlarged, altered, or used, for any purpose other than a purpose permitted herein for the zone district in

which it is located and all construction shall be in conformity with the regulations provided for the zone district in which such construction is located.

ARTICLE II
Administration and Enforcement

§ 550-8. Enforcement.

A. Unless otherwise noted herein, this chapter shall be enforced by the Zoning Officer. It shall be his/her primary duty to investigate violations of the chapter coming to his/her attention, serve notices to abate violations, sign complaints where justified, and cooperate with other Township officials in the prosecution of violators. If any applicant disagrees with the findings made by the Zoning Officer in enforcement of this chapter, said applicant has the option to request an informal review of a concept plan from the Planning Board or an interpretation of the ordinance from the Zoning Board of Adjustment.

B. The enumeration herein of the primary duties of the Zoning Officer shall not mean that other officials and employees shall be relieved of their obligation to enforce this chapter. The Zoning Officer, or other Township employees authorized by the Township Committee, shall have the right to inspect any lot or building at reasonable times for the purpose of investigating possible violations of this chapter.

§ 550-9. Action instituted by Board Attorney.

In addition to actions commenced by the Zoning Officer in the enforcement of this chapter, in cases where any building or structure is, or is intended to be, erected, constructed, reconstructed, altered or converted, or any building or structure is, or is intended to be, used in violation of, or contrary to, the provisions of this chapter, the Attorney for the Zoning Board of Adjustment is hereby authorized, pursuant to directions of the Township Committee, to institute an action to enjoin the erection, construction, alteration, conversion or use of any such structure or building, or the commencement of any use in violation of this chapter, or to pursue any other appropriate action, proceedings or remedies available at law to prevent the commencement of or the continuation of such use.

§ 550-10. Building permit required.

No structure or part thereof shall be erected, raised, moved, extended, enlarged, altered or demolished and no excavation or clearing shall be undertaken until a building permit has been granted by the Construction Official. Application therefor shall be filed in duplicate by the owner or his/her agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by detailed plans and specifications, plot plan showing open spaces, the established building lines within 200 feet of either side of the proposed structure, existing and proposed elevations of the corners of the lot, at the corners of all buildings, along driveways and in any area where change of elevation is proposed, elevations and peculiarities of topography, and such other information as may be necessary or desirable to permit the enforcement of this chapter.

§ 550-11. Denial of permit.

No permit shall be granted for a building or use if the design or construction of same is likely to involve exceptional risk of traffic congestion, public safety or hazard.

§ 550-12. Zoning permit.

No land shall be used, no use shall be commenced and no structure shall be erected, constructed, reconstructed, altered, converted and no land, use or structure shall be changed from an existing use to a new use until a zoning permit is issued by the Zoning Officer stating that such use, structure or building conforms and complies with the provisions of this chapter or that a variance has been granted from the appropriate provisions of this chapter by a board of competent jurisdiction.

§ 550-13. Certificate of occupancy.

No land shall be used, or use commenced, and no structure shall be occupied or used in whole or in part for any use, nor shall the use of any land or structure be changed from an existing use to a new use until a certificate of occupancy has been issued by the Construction Official stating that the structure and the occupancy and use of the land and structure conform to the provisions of the New Jersey Uniform Construction Code Act, and comply with the provisions of Chapter 424, Site Plan Review, and this chapter. Such certificates of occupancy shall be granted or denied within 10 days from the date written application therefore has been received by the Construction Official in accordance with the New Jersey Uniform Construction Code Act. Unless a certificate is granted within such period, it shall be deemed to be denied.

§ 550-14. Temporary use permits.

A. Recognizing, in certain instances, the necessity of certain temporary uses, the Zoning Board of Adjustment, after hearing, may authorize temporary use permits, pursuant to the authority of N.J.S.A. 40:55D-70(b). Such permits may be issued for a period not to exceed one year and, on further application to the Zoning Board of Adjustment, may be extended, for good cause shown, for an additional period not to exceed one year. Thereafter, such temporary use permit shall expire and the use so permitted shall be abated. Any structures erected in connection therewith shall be removed. Where it deems appropriate, the Zoning Board of Adjustment may require such guarantees it deems sufficient to cause such abatement and/or removal.

B. Where a building permit has been issued, the Zoning Board of Adjustment may grant a temporary use permit for a nonconforming use incidental to construction projects on the same premises such as storage of building supplies and machinery and/or assembly of building materials. For example, but not by way of limitation, such temporary use permit may be issued to permit parking of a construction trailer on such a site.

C. The Zoning Board of Adjustment may grant temporary use permits for the erection and maintenance of temporary structures or buildings for the conduct of permitted uses where such permitted uses have been interrupted by reason of fire or other casualty or are about to be established upon construction of a permanent structure. Such temporary use permit

shall expire when the necessary construction, repair or reconstruction of the permanent structures or buildings have been accomplished or within one year, whichever occurs first.

D. Where a building permit has been issued, a temporary certificate of occupancy for a dwelling house may be granted to a developer to permit such dwelling house to be used, temporarily, as a sales and management office for the sale of those homes within a subdivision, provided the following requirements are met:

(1) The house to be used as such office is built upon a lot approved as part of a subdivision approved by the Planning Board.

(2) The house is of substantially the same quality of construction as those homes to be sold within the subdivision.

(3) No other business than that which is accessory to the management and sale of lands owned by the developer shall be permitted.

(4) The dwelling house shall meet all other requirements of the zone district in which it is located.

§ 550-15. Records; reports.

A. The Construction Official shall keep a record of all applications for building permits and certificates of occupancy and of all such permits and certificates issued, with a notation of all special conditions involved.

B. The Zoning Officer shall prepare a monthly report summarizing, for the period since his/her last report, all zoning permits issued, complaints of violations received and action taken by him/her with respect thereto. Such report shall be in a form and shall contain such information as the Township Committee may direct. A copy of such report shall be made available to the Construction Official and to the Tax Assessor.

§ 550-16. Land disturbance; construction permits required.

A. No person shall commence any construction, grading, filling or other form of land disturbance, nor shall any use be commenced in furtherance of any approved preliminary and/or final subdivision or site plan, unless a permit for same shall have first been obtained from the issuing authority, who shall be the Township Engineer.

B. Prior to the issuance of any such permit, the Township Engineer shall have first determined that:

(1) All conditions of Board approval have been met.

(2) All fees and escrow moneys due the Township have been paid or deposited.

(3) All required permits have been obtained and documentation of permit issuance has been submitted.

(4) All proposed construction will be in accordance with approved plans.

(5) A preconstruction meeting has been held with the Township Engineer.

(6) All off-tract improvements contributions have been deposited with the Township.

(7) All required surety has been posted and accepted by the Township Committee.

(8) A developer's agreement, if required, has been executed with the Township Committee.

(9) The developer has made arrangements with the state police and the provider of other emergency services with respect to traffic control and circulation considerations during construction activities.

C. No such permit shall be issued unless, at least 10 days prior to the date on which construction is proposed to commence, the applicant shall have applied, in writing, on an approved application form, accompanied by written documentation that the conditions attending the underlying approval (subdivision or site plan review), including, but not limited to, all requisite third-party approvals, have been satisfied and all requisite third-party permits have been secured.

D. Such permit shall be valid for a period of one year from date of issuance and shall automatically expire, by limitation, unless construction pursuant thereto shall have been actually commenced within such period and shall have been diligently pursued.

E. The application fee for such a permit, which shall be payable at the time of application therefor, shall be as set forth in Article VIII of Chapter 45, Land Use Procedures.

F. Site restoration guarantees required.

(1) It is the intent of this section, in the event of cessation of land disturbance and/or construction activities for a period of more than 90 consecutive days, when adverse weather conditions are not the cause of such cessation of operation or the applicant has not satisfactorily explained to the Township Engineer the reason for such cessation of operation and when the Township Engineer shall not have found that such cessation of operation is of a temporary nature, only, to assure restoration of so much of the site as is reasonably required to result in a safe and stable condition and one which does not create a risk to the public health and safety.

(2) In the event of the anticipated cessation of land disturbance and/or construction activities, for a period of more than 90 consecutive days, the applicant shall have provided advance notice thereof, in writing, to the Township Engineer setting forth, in detail, the reasons for the proposed cessation of such activities and stating, to the best of the applicant's ability, the anticipated date upon which the activities will recommence.

(3) Consequently, it shall be required that, prior to the issuance of a land disturbance-construction permit, the applicant shall first have posted with the Township a restoration guarantee, meeting the requirements of N.J.S.A. 40:55D-6 and N.J.S.A. 40:55D-53, to assure the prompt and proper restoration of only so

much of the site as, in the opinion of the Township Engineer, is unsafe, unstable or presents a risk to the public health and safety.

(4) The amount of the restoration guarantee shall be equal to 120% of the estimated cost of restoration of the site to a safe and stable condition, assuming all land disturbance and construction activities are in full progress when the cessation thereof has taken place. A written estimate of the cost of site restoration shall be prepared by the applicant's engineer and provided to the Township Engineer.

(5) The applicant shall have the option of posting separate restoration guarantees for various separate phases of land disturbance or construction activities upon the site, in order that, upon the satisfactory completion of a particular phase of land disturbance or construction, the applicant may apply for and secure the release of the restoration guarantee posted for that particular phase.

(6) Such restoration guarantee shall be posted with the Township, shall be approved by the Township Attorney and accepted by the Township Committee prior to the issuance of any land disturbance-construction permit pursuant to this section.

§ 550-17. Fees, escrows and deposits.

A. No petition, application or other documents submitted by an applicant pursuant to the terms of this or any other land use chapter shall be considered by the Zoning Board of Adjustment or Planning Board, as the case may be, until the applicant shall have paid to the Township, in cash or check, those fees and deposits as set forth in Article VIII of Chapter 45, Land Use Procedures, as applicable.

B. Where subdivision or site plan review, or both, are required, the fees set forth in Article VIII of Chapter 45, Land Use Procedures, shall be in addition to those fees required for subdivision or site plan review.

C. Deposits or escrow funds are required in connection with subdivision and site plan applications. Site plan or subdivision applicants which require variance(s) shall not require additional escrow.

§ 550-18. Violations and penalties.

Any person violating the terms and provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding $1,000, to imprisonment not to exceed 90 days and/or a period of community service not exceeding 90 days, in the discretion of the magistrate. Each and every day upon which such violation continues shall be considered a separate and distinct violation.

ARTICLE III
Terminology

§ 550-19. Definitions.

As used in this chapter, the following words shall have the meaning hereinafter set forth:

ACCESSORY STRUCTURE — A subordinate detached structure on the same lot with a principal structure and customarily incidental to the principal building or use. Where an accessory structure is attached to a principal structure in a substantial manner, by a wall or roof, such accessory structure shall be considered part of the principal structure.

ACCESSORY USE — A use naturally and normally incident and subordinate to the principal use of a structure or lot and located on the same lot as the principal use to which it relates.

ACID-PRODUCING SOILS — Soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid-producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid-producing soils in New Jersey can be obtained from local Soil Conservation District offices.

ADDITION — An extension or increase in floor area or height of an original building or structure, at some time after the completion of the original.

ADMINISTRATIVE AUTHORITY — The Planning Board or Board of Adjustment or Construction Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

AGRICULTURAL LAND — All land areas associated with agricultural production. The greatest amount of these lands would be areas used in the active cultivation of crops, both row and field crops. Also included, however, are pasturelands and grazing lands associated with horse- or cattle-raising operations, orchards, vineyards, nurseries and other horticultural areas, and confined feeding operations. In addition, other lands used in support of the agricultural activities, such as the farmsteads, associated barns, stables, and corrals, among others, are also included.

AGRICULTURAL RETAIL BUSINESS — A facility used for the wholesale or retail sale of the processed, packaged or converted agricultural output of a commercial farm, and products that contribute to farm income. At least 51% of the annual gross sales of the business shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm.

AGRICULTURAL WETLANDS — Agricultural lands that are considered wetlands for regulatory purposes. These areas are generally under active cultivation, and so do not support typical wetland vegetation. But these areas do exist on saturated, hydric soils, and are absent the wetland vegetation only because of the active cultivation.

AGRICULTURE OR AGRICULTURAL USE — The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or feeding (or grazing), breeding, managing, selling or producing livestock, poultry, or honeybees, or by

dairying and the sale of dairy products, by other horticultural, floricultural, or viticultural use, or by animal husbandry or any combination thereof. It also includes the current employment of land for the primary purposes of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.

AIRPORT — A facility where aircraft or airborne vehicles of all types land and take off and which may provide storage, maintenance, and fuel services for such aircraft, including various accommodations for passengers, and which, as to design, surface, maintenance, repair and management thereof, meets the minimum requirements of, and is licensed, pursuant to N.J.S.A. 6:1-1 et seq., whether such facility be public or private. The term "airport" shall include airstrip, airfield, landing field, landing strip, heliport, helistop and all other like facilities.

ALTERATION — A change or rearrangement in the structural parts, the means of egress, or an enlargement, whether by extending on a side or by increasing in height of a building or structure; or to change the use of a structure or land or to move a structure from the one location or position to another.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals) or television signals.

APARTMENT — A building or structure, or portion thereof, designed or used as the residence or sleeping place of one or more persons, including but not limited to: multiple dwellings, condominiums, cooperatives, apartment hotels, boarding and rooming houses, and apartment hotels and motels.

APPLICANT — A person applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this chapter.

AQUIFER — Subsurface geologic deposit capable of providing a sufficient quantity of potable water.

ASSISTED LIVING RESIDENCE — A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed, to four or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

AUCTION MARKET — Any premises on which are held at periodic times, and from time to time, auction sales of merchandise or personal property.

BASEMENT — A portion of the building partly underground, but having less than 1/2 of its clear height below the average grade of the adjoining ground plus at least one means of egress directly to the exterior of the building, and with a minimum floor-to-ceiling height of 6 1/2 feet.

BED-AND-BREAKFAST INN — An establishment that provides for lodging accommodations and breakfast to overnight guests that also functions as a primary residence for the owner or manager.

BEDROOM — A room planned or used primarily for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom and including a closet.

BIODIVERSITY — The variety of biological species within ecosystems together with the genetic variations within each species.

BOARDER — A person who is not related to the heads of the household who is furnished sleeping accommodations, and who may or may not pay for the privilege of boarding.

BOARDINGHOUSE — Any dwelling in which people, either individuals or as families, are housed or lodged, for hire, with meals and which contains five or fewer such rooms for hire.

BUFFER — A parcel of land containing natural woodlands, earth mounds or other planted or man-made screening material, or any combination thereof, and separating or screening one kind of land use from another or separating a planned development from any other development.

BUILDING — A structure which is designed, built or occupied as a shelter; or roofed enclosure for person, animals; property, or shelters, located on foundations or other supports and used for residential, business, mercantile, storage, commercial, professional, industrial, institutional, assembly, educational, or recreational purposes.

BUILDING, ACCESSORY — A subordinate structure on the same lot as the principal or main building or use.

BUILDING HEIGHT — The vertical distance from the finished grade plane to the average height of the highest roof surface. Average height of the highest roof surface shall be determined by adding the heights of the highest roof surface at its lowest point and highest point and dividing by two. Notwithstanding the provision for averaged roof height, in no instance may the highest point of a roof surface exceed 45 feet from the grade plane. Moreover, the highest point of any building component, such as chimneys, widow's walks, turrets, cupolas and the like, may be no higher than four feet from the highest point of the roof of the building, but in no instance may the highest point of such building component exceed 49 feet in height from the grade plane.

BUILDING LINE or BUILDING SETBACK LINE — A line established by this chapter, within a lot, defining the minimum distance between any structure, or portion thereof, to be erected or altered, and an adjacent right-of-way, easement street line or common open space.

BUILDING, MAIN OR PRINCIPAL — A building in which is conducted the main or principal use of the lot on which the building is located.

BUILDING PERMIT — A permit required prior to constructing, moving, repairing, or altering any building or structure, issued in compliance with the New Jersey Uniform Construction Code Act and this chapter.

CALIPER — The standard measure of tree size for trees to be newly planted. The measurement is taken six inches above the ground for trees four inches in diameter or less and 12 inches above the ground for trees over four inches in diameter.

CAMPING VEHICLE — See "trailer."

CARRYING-CAPACITY ANALYSIS — An assessment of the ability of a natural system to absorb population growth as well as other physical development without significant degradation.

CATEGORY 1 WATERS or C1 WATERS — Shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

CATEGORY 2 WATERS or C2 WATERS — Those waters not designated as Outstanding Natural Resource waters or Category 1 waters in the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards.

CELLAR — A portion of the building partly underground, having 1/2 or more than 1/2 of its clear height below the average grade of the adjoining ground with or without one means of egress directly to the exterior of the building, and with a floor-to-ceiling height of less than 6 1/2 feet.

CERTIFICATE OF OCCUPANCY — A document issued by a governmental authority allowing the occupancy of use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances. This certificate is issued by the Construction Official in accordance with the New Jersey Uniform Construction Code Act and this chapter.[1]

CHILD-CARE CENTER — An institution offering the provision of supplemental parental care and supervision for nonrelated children, on a regular basis during part or all of the day, under license by the New Jersey Department of Human Services. The term "child-care center," as used herein, includes the terms "infant-care center," "day nursery," "day-care center," "nursery school" or similar.

CLEAR-CUTTING — The removal of all standing trees on a lot or portion of a lot.

CLEAR SIGHT TRIANGLE — The triangle formed by the point of intersection of the right-of-way lines of two intersecting streets and the points on each of the intersection right-of-way lines at a given distance from the point of intersection, in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

CLUSTER — A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. The site must be developed as a single entity according to a plan containing residential housing, commercial and or industrial units, which have a common or public open space as an appurtenance.

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1. **Editor's Note: The former additional definition of "child-care center," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

COMMERCIAL UNIT — Any commercial use under separate ownership or lease.

COMMERCIAL VEHICLES — Trucks, buses, vans, minivans, sedan delivery vehicles, station wagons with advertising matter on the sides, or any other commercially used and licensed vehicle, except a passenger car with no advertising matter exposed to view.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the use or enjoyment of residents and owners of the development and/or community. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the development, as permitted.

COMMON OWNERSHIP — Ownership of two or more contiguous parcels of real property by the same person or persons.

COMMON WALL OR PARTY WALL — A vertical wall and/or horizontal separation forming a structural part of two buildings or of two separately owned and/or rented units in the same building.

COMMUNITY FACILITIES — Buildings, structures, recreational devices, service systems and other facilities owned and operated by a governmental agency, generally available to and or operated for the benefit of residents to provide a governmental service to the public, including but not limited to swimming pools, tennis courts, building entries and passageways, roads, drainage systems, pedestrian and bicycle pathways, sewage treatment plants and other facilities, such as, but not limited to, municipal buildings and schools.

COMMUNITY RESIDENCES FOR THE DEVELOPMENTALLY DISABLED — Any community residential facility licensed pursuant to P.L. 1977, c. 488 (N.J.S.A. 30:11B-1 et seq.), providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act (P.L. 1971, c. 136; N.J.S.A. 26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of services contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used herein, "developmentally disabled person" means a person who is developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE — Any shelter approved for a purchase of services contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:14-1), providing food, shelter, medical care, legal assistance, personal guidance and other services to not more than 15 persons who have been victims of

domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

CONDITIONAL USE — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the minimum requirements of N.J.S.A. 40:55D-35, exclusive of any area within such public street, whose area is sufficient to provide the yard, space and setback requirements and the minimum area requirements for the zone district in which it is located and complying with all other minimum area requirements for the zone district in which it is located and complying with all other minimum requirements for such district, as required by this chapter.

CONSERVATION AREA — Environmentally sensitive area with characteristics such as steep slopes, wetlands, floodplains, high-water tables, forested areas, endangered species habitat, or other areas of significant biological productivity or uniqueness that have been designated for protection, as detailed in the Fredon Master Plan, from any activity that would significantly alter their ecological integrity, balance, or character.

CONSERVED LAND — Land protected from future development. For the purposes of this chapter, these lands may include open space/recreation and agricultural lands.

CONSTRAINT-FREE LAND AREA — An area of land having slopes of less than 20%, having an absence of floodplains, freshwater wetlands, freshwater wetlands transition areas and rock outcroppings, having a soil depth to bedrock of four or more feet, and having a soil depth from natural ground surface to the seasonal high water table of more than two feet.

CORNER LOT — A lot at the junction of and having frontage on two or more intersecting streets forming an interior angle of less than 135°.

COURT — Any open space, unobstructed from the ground to the sky, that is bounded on two or more sides by the walls of a building that is on the same lot.

COVERAGE, BUILDING — The ratio of the horizontal area, measure from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

COVERAGE, IMPERVIOUS — The part of the lot that is covered by impervious surface, which is a surface that has been compacted or covered with a layer of material so that it is highly resistant to the infiltration of water.

CRITICAL AND SENSITIVE AREA — Biologically diverse areas containing habitats of endangered or threatened plan or animal species; freshwater wetlands systems, defined as the zone of biological diversity primarily supported by wetlands and wetlands systems and prime forested areas, including mature stands of native species.

DENSITY, GROSS — The total number of dwelling units existing or permitted on a tract divided by the total area of the tract. The result is expressed as dwelling units per acre.

DENSITY, NET — The total number of dwelling units within a designated portion of a tract divided by the total land area of the designation portion of the tract, including the open space, roadways, parking areas and common facilities devoted exclusively to that portion of the tract. The result is expressed as dwelling units per acre.

DETENTION BASIN — A facility for the temporary storage of stormwater runoff.

DEVELOPABLE LAND — Land free of constraints to development such as, but not limited to, wetlands, steep slopes, water bodies, unstable soils, easements, and legal impediments and that have frontage on or access to an improved roadway and can be served by public or private utilities and facilities such as sewers, water, electricity and gas.

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation landfill, or land disturbance; or any use or extension of the use of land.

DEVELOPMENT SCHEDULE — A construction schedule and plan showing the year in which each portion of a development will be constructed.

DIAMETER AT BREAST HEIGHT (DBH) — Diameter of a tree measured 4 1/2 feet (forestry method) above the ground level on the downhill side for existing trees.

DISTRICT — Part of the Township to which certain uniform regulations of this chapter apply as a separate zone district.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY OR EASEMENT — The lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage, in accordance with N.J.S.A. 58:1-1 to 58:1-34.

DRAINAGE SYSTEM — Pipes, swales, natural features and constructed improvements designed to carry drainage.

DRIP LINE — A limiting line established by a series of perpendicular drip points marking the maximum radius of the crown of an existing tree, but not less than six feet from the trunk, whichever is greater, and within which no construction or disturbance shall occur.

DRIVE-IN USE — An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their vehicle.

DRIVEWAY — A defined paved or unpaved surface providing vehicular access to a street. A driveway is not a road, street, boulevard, highway, or parkway.

DWELLING/DWELLING UNIT — A building, or portion thereof, designed or used as the residence or sleeping place of one or more persons, including but not limited to one-family,

two-family and multiple dwellings, condominiums, cooperatives, apartment hotels, boarding and rooming houses, motel tourist cabins, trailers.

DWELLING UNITS, TYPES —

A. SINGLE-FAMILY DETACHED — A freestanding residential building which contains one dwelling unit and which has no common walls with other units.

B. SINGLE-FAMILY SEMI-ATTACHED — A dwelling unit sharing a common wall with one or more single-family dwelling units.

C. TWO-FAMILY DWELLING (DUPLEX) — A double house consisting of two separate single-family dwelling units under one roof, each complete in itself, with a closed partition between, with independent means of ingress and egress in front and rear, and with separate sewer, water and other utility services.

D. TOWNHOUSE — A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

E. DWELLING UNIT, EFFICIENCY — A residential dwelling unit without a separate bedroom and not exceeding 600 square feet in size.

F. MULTIPLE-FAMILY DWELLINGS — A building designed or used as a residence, of three or more dwelling units, garden apartments, condominiums and cooperatives; however, not exceeding two stories in height.

EASEMENT, ACCESS — An easement created for the purposes of providing vehicular or pedestrian access to a property.

EASEMENT, CONSERVATION — The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity.

EASEMENT, DRAINAGE — Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

EASEMENTS — A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

EASEMENT, SCENIC — An easement that allows a public agency to use private land for scenic enhancement such as roadside landscaping and vista preservation.

EASEMENT, VIEWSHED — 'An easement that places restrictions on the development of private land in order to preserve a viewshed.

ENDANGERED SPECIES — Any species of fish or wildlife naturally occurring in New Jersey, whose prospects of survival are in jeopardy due to modification or loss of habitat or overutilization for commercial, sporting, scientific or education purposes. Said species shall be those set forth in the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-13 et seq., and any species or subspecies of wildlife appearing on any federal endangered species

list designated as listed, proposed, or under review by the federal government pursuant to the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq.

EVALUATION — A written statement, documented by maps and charts, as appropriate, examining, discussing and evaluating the impacts of a particular aspect of a proposed development. An evaluation in this context shall include a comparison of the development and its impacts, as appropriate, to applicable standards set forth in this chapter. If no standards in this chapter are applicable to the particular aspect which is the subject of the evaluation, then to generally accepted standards.

FAA — The Federal Aviation Administration.

FACADE — The exterior walls of a building or structure that are adjacent to or front on a public street, park, or plaza.

FACADE AREA — The total wall surface, including door and window areas, of a building's principal face. In the case of corner buildings which front on more than one street, only one face shall be used to calculate facade area.

FACADES, PRINCIPAL — Exterior walls of a building or structure that are adjacent to or front on a public street, park, or plaza.

FAMILY — An individual living as a single housekeeping unit or a number of persons, including foster children as defined by law, and persons related by blood, marriage, or adoption living together as a single housekeeping unit. For purposes of this chapter, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

FAMILY DAY-CARE HOME — The private residence of a family day-care provider which is registered as a family day-care home pursuant to P.L. 1987, c. 27 (N.J.S.A. 30:5B-1 et seq.)

FARM — A parcel of land of five or more productive acres used for agriculture, forestry, horticulture, floriculture or animal husbandry of domesticated livestock.

FARMER'S MARKET — The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products and similar nonanimal agricultural products occurring in predesignated area where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FARM STAND — A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

FCC — The Federal Communications Commission.

FENCE — A structure of wood, metal, stone, masonry or other material, including barriers formed by living vegetation.

FINISHED ELEVATION/GRADE — The average proposed elevation of the land surface of a site after completion of all site preparation work. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six

feet (1829 mm) from the building, between the building and a point six feet (1829 mm) from the building.

FISH FARMING — Includes the commercial farming of fish, mollusks and crustaceans.

FLAG LOT — A lot whose buildable area does not front on or abut an approved street, except for, and having access only from and along, the flag lot stem.

FLAG LOT STEM — The portion of a flag lot which has reduced frontage along an approved street and provides access to the buildable area located at the rear of the lot.

FLOOD HAZARD AREA — The rivers or other watercourses and adjacent land areas subject to inundation, as defined by the New Jersey Department of Environmental Protection, in the event of the design flood. These areas include but are not necessarily limited to the floodway and flood-fringe areas as delineated on the Flood Hazard Boundary Map for the Township of Fredon, dated March 11, 1983, with accompanying Flood Insurance Rate Maps and Flood Boundary Maps prepared by the Federal Emergency Management Agency.

FLOODPLAIN — The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

FLOODWAY — Shall have the meaning ascribed to this term by the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., and regulations promulgated thereunder published at N.J.A.C. 7:13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

FLOOR AREA, GROSS — The total area of a building computed by measuring the horizontal dimensions of the outside walls of all enclosed portions of the building, including halls, enclosed porches, attics, cellars, basements, and garages, but excluding any space with a floor-to-ceiling height of less than six feet six inches.

FLOOR AREA, NET — The total of all floor areas of a building, excluding stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. The net floor area should be utilized for the purposes of imposing parking regulations, provided that no more than 10% of the gross floor area may be reduced for these common area calculations.

FLOOR AREA RATIO — The ratio between the gross floor area of all buildings or structures on a lot and the total area of the lot.

FORESTED LAND — Upland areas covered by woody vegetation. The vegetation may be primarily deciduous, coniferous or a mixture of both, and include scrub/shrub and brush areas as well as mature tree stands of various densities. Also included in this category, with a separate code, are early-stage forest successional stands, commonly referred to as "old fields." These do not normally have a significant amount of mature trees on them, but are placed in this category because of their potential development to forests.

FREESTANDING SOLAR ARRAY — A solar energy system, as defined herein, that is elevated off the ground to allow clearance of at least 16 feet, with parking or other impervious surfaces beneath. **[Added 6-14-2012 by Ord. No. 2012-05]**

GARAGE, PRIVATE — A detached accessory building or portion of the principal building designed primarily for the storage of passenger vehicles and not more than one commercial vehicle a rated capacity not exceeding 3/4 of a ton, and that is not available to the general public.

GARAGE, PUBLIC — A building space, other than a private garage, which is primarily used for the storage of passenger vehicles and not more than one commercial vehicle a rated capacity not exceeding 3/4 of a ton.

GASOLINE STATION — A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. Major automotive repairs, painting and body and fender work are excluded. (See "service station, automotive.")

GENERAL DEVELOPMENT PLAN (GDP) — A plan showing general land use, circulation, open space, utilities, stormwater management, environmental factors, community facilities, housing, and phasing for parcels of land in excess of 100 acres and proposed to be constructed as a planned development.

GRADE PLANE — A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (1829 mm) from the building, between the building and a point six feet (1829 mm) from the building.

GROUND-MOUNTED SOLAR ARRAY — A solar energy system, as defined herein, that is mounted on armatures anchored to the ground, with ground cover beneath. **[Added 6-14-2012 by Ord. No. 2012-05]**

HABITABLE FLOOR AREA — See "floor area."

HABITABLE ROOM — Any room, except those used for kitchen, bathroom, closet, pantry, hallway, storage space, garage, unfinished basement, cellar, or attic, or utility purposes.

HEIGHT — When referring to the height of a tower or other structure, the distance measured from the lowest finished grade of the base of the tower to the highest point on the tower or other structure including the base pad and any antennas or other appurtenances.

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been formally designated in the 2007 Fredon Master Plan as being of historical, archaeological, cultural, scenic or architectural significance.

HOME OCCUPATION — Any occupation for gain or support conducted by members of the family residing in a dwelling unit and conducted solely within the dwelling unit or accessory building.

HOMEOWNERS' ASSOCIATION — A community organization, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space and/or facilities.

HOTEL — A building containing more than five rooms used, rented or hired out to be occupied for sleeping purposes by guests, where general kitchen, dining room and/or banquet rooms are provided within the building.

HOUSING OFFICER — The employee, consultant, authority or government or other agency designated by the governing body with the responsibility of administering the affordable housing program of the Township of Fredon.

INSTITUTIONAL USE — A use by a public or nonprofit quasi-public or private institution for educational, religious, charitable, medical or civic purposes.

INTERMITTENT STREAM — A surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

INTERSECTION — A point where two or more streets meet and/or cross at grade without a bridge.

JUNKYARD — A lot and/or structure used or intended to be used for the conducting and operating of the business of selling, buying, storing or trading in used or discarded metal, glass, paper, bags, cordage or any used or disabled fixtures, vehicles or equipment of any kind.

KENNEL — A business devoted to the boarding, care or breeding of dogs and cats.

LAKE, POND, OR RESERVOIR — Any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

LANDMARK — Any site, building, structure or natural feature that has visual, historic, or cultural significance.

LEAST-COST HOUSING — That housing which may be produced at lowest price, given compliance with New Jersey Uniform Construction Code Act and other applicable regulations.

LOADING SPACE — An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

LOT — A parcel, plot or area of land, legally established, with precise boundaries determinable from a deed description or map filed in the office of the County Clerk.

A. LOT, CORNER — A parcel of land located at the junction of and abutting two intersecting streets or at the bend of the same street where the angle of intersection does not exceed 135°.

B. LOT, INTERIOR — A parcel of land other than a corner lot or three-sided lot.

C. LOT, THREE-SIDED — A lot having frontage along three streets.

D. LOT, THROUGH — A parcel of land which extends through from one street to another, and which streets do not intersect at the property.

LOT AREA — The total area included within the lot lines. Where the property line extends to the center of a street and the street right-of-way width has not been determined, the area of a lot for the purpose of this chapter shall not include land within 25 feet of the center line of the street. Where a right-of-way width is shown on either a subdivision map or official map of the state, county or Township, the area of the lot shall not include any portion of the actual or proposed right-of-way.

LOT DEPTH — A horizontal distance between the front lot line and rear lot line, measured perpendicular or radial to the front lot line at the midpoint of the lot frontage to the furthest distance thereof or measured along the median between the two side lot lines.

LOT FRONTAGE — The length of the front lot line.

LOT LINE — A line of record bounding the lot.

A. LOT LINE, FRONT — The line which separates the publicly owned or controlled street right-of-way from the private property which abuts upon the street, as distinct from a sidewalk line, curbline or edge-of-pavement line. On a street or highway shown on the 2007 Fredon Master Plan, the "front lot line" shall be considered to be the proposed right-of-way line for the street.

B. LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

C. LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT WIDTH — The horizontal distance between the side lot lines measured at the required front yard setback.

LOWER-INCOME HOUSEHOLD — A household meeting the regional income eligibility limits for low- and moderate-income households or for low and very low-income households in the document entitled "Section 8 Rental Assistance Program, Income by Family Size," published by the U.S. Department of Housing and Urban Development.

LOWER-INCOME HOUSING — Dwelling units which are affordable by purchase or rent to a lower-income household spending not more than 28% of the monthly family income for sale housing and 30% of the monthly family income for rental housing.

LOW INCOME — Income less than 50% of the median income for the region when used with and compared to the term "moderate income"; income between 50% and 80% of the median income for the region when used with and compared to the term "very low income" in the document entitled "Section 8 Rental Assistance Program, Income by Family Size," published by the U.S. Department of Housing and Urban Development.

MOBILE HOME — See "trailer."

MODERATE INCOME — Income between 50 and 80% of the median income for the region. In the document entitled "Section 8 Rental Assistance Program, Income by Family Size," published by the U.S. Department of Housing and Urban Development, the term "low income" is used instead of the term "moderate income" to refer to the 50% to 80% of median income range.

MOTELS — A building which contains living or sleeping accommodations for transient occupancy and has individual outside entrances to each unit.

NATURAL MATERIALS — Materials found to exist naturally and/or have undergone minor modification, reduction or alloying by man; which can be reused, recycled, or are biodegradable. Such materials shall include wood, stone, brick, rapid oxidizing metals such as iron, recyclable metals and minerals such as copper and glass and some alloys such as tin, bronze and brass. Plastics, polyvinyl chlorides, special polymers, aluminum, chromium, special steels and other exotic man-made or highly refined materials are specifically and generally excluded.

NATURAL RESOURCES AND FEATURES — The earth itself, the water upon or under the surface of the earth, the air above the earth, and plants, animals, fish, birds, insects and other living creatures growing upon or inhabiting the earth, the water or the air.

NONCONFORMING LOT — A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NUISANCE — An offensive, annoying, unpleasant or obnoxious thing or practice that results in an interference with the enjoyment and use of property. A cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another's rights, including the actual or potential emanation of any physical characteristics, activity or use across a property line which can be perceived by or affect a human being of ordinary sensibility, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: dust, smoke, fumes, odor, glare, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise or congregation of people, especially at night, passenger traffic, transportation of things by truck, rail or other means, invasion of non-abutting street frontage by parking.

OFFICE — A building or portion thereof used as the place of business of a person, corporation, firm or public agency for professional services and administrative and executive purpose, as distinguished from a shop of store.

OFF-PREMISES SIGN — A sign which advertises a business which is not conducted or a product which is not sold on the lot where the sign is located.

110% PRODUCTION — An energy system that produces up to 110% of the energy that the principal use consumes on an average year. **[Added 6-14-2012 by Ord. No. 2012-05]**

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or received for public or private use or enjoyment of owners, occupants, and their guests.

OUTDOOR STORAGE — The keeping, in an unenclosed area, of any goods, junk material, merchandise or vehicles in the same place for more than 24 hours.

OWNER — Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land to commence and maintain development proceedings under this chapter and, for the purpose of this chapter, shall include developer, applicant, agent, engineer or other person authorized to represent the owner as defined herein.

PARCEL — A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership or in such a manner as to specifically identify the dimensions and/or boundaries.

PARKING AREA — An open area, other than a street or other public way, used for the parking of motor vehicles and available for use as a service or privilege to guests, licensees, clients, customers, suppliers, or residents. It shall include driveways and access drives located within the lot area.

PARKING SPACE — An off-street space for the parking of one motor vehicle. Such parking space shall have an area of not less than 200 square feet, exclusive of access drive, or aisles, except in a residential area, there shall be a minimum of 10 feet in width measured perpendicular to the axis of the length, and shall have adequate provision for ingress and egress.

PATH — A cleared way for pedestrians and/or bicycles to travel, which may or may not be paved.

PERENNIAL STREAM — A surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

PERMANENTLY AFFIXED — Any building or structure with foundation walls or footings that support the aboveground elements and which cannot easily or conveniently be removed therefrom.

PLANNED COMMERCIAL DEVELOPMENT — An area of a minimum contiguous or noncontiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate

commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

PLANNED DEVELOPMENT — Any planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

PLANNED GOLF COURSE RECREATIONAL/RESIDENTIAL DEVELOPMENT — A form of planned development consisting of an area with a minimum contiguous acreage of 225 acres or more to be developed as a single entity according to a plan containing one or more residential clusters wherein the resulting open space may be developed with recreational facilities, which shall include an eighteen-hole golf course, designed to serve a clientele which includes, but is not limited to, the residents of the development.

PLANNED UNIT DEVELOPMENT — An area with a specified minimum contiguous or noncontiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in this chapter.

PLANNED UNIT RESIDENTIAL DEVELOPMENT — An area with a specified minimum contiguous or noncontiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS — Any tower or antenna for which a zoning permit has been issued prior to the effective date of this chapter.

PREMISES — A lot or parcel of ground, including any buildings or structures thereon.

PRINCIPAL STRUCTURE — A structure arranged, adapted or designed for the predominant or primary use for which a lot may be used.

PRINCIPAL USE — The primary or predominant use of the premises.

PROFESSIONAL USE — A building, or portion thereof, used as the place of business of a person, corporation, firm or public agency for professional services.

PUBLIC BUILDING —

A. Any building used exclusively for public purposes by any department or branch of government;

B. Buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools; libraries; museums; post offices; police, rescue and fire stations; and public utilities and services.

PUBLIC OR INSTITUTIONAL USE — See "institutional use."

PUBLIC ROAD — Any road that meets the definition and requirements as set forth in N.J.S.A. 40:55D-35.

QUALIFIED FIELD BIOLOGIST OR ECOLOGIST — A firm or individual currently certified to be professionally competent or capable to perform habitat assessments in New Jersey by a nationally recognized organization or otherwise acceptable to the New Jersey Division of Fish and Wildlife. The qualified approving authority shall determine the adequacy of the professional qualifications of such persons based upon the foregoing criteria.

REGION — When used in this chapter, the term region refers to the housing region for Fredon Township established by the Council on Affordable Housing.

REPLACEMENT TREE — A nursery-grown certified tree, properly balled, marked with a durable label indicating genus, species, and variety, and satisfying the standards established for nursery stock and installation thereof, set forth by the American Association of Nurserymen.

RESTAURANT — An establishment where food and drink are prepared served and consumed primarily within the principal building.

RESTAURANT, TAKEOUT — An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant.

RETENTION BASIN — Those areas which exist or are created for the storage of stormwater and absorption of this water into the ground.

RIDGELINE — The long, narrow upper section or crest of a chain of hills or mountains.

RIPARIAN ZONE — The land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

RIPARIAN ZONE MANAGEMENT PLAN — A plan approved by the Township Engineer, which shall be prepared by a landscape architect, professional engineer or other qualified professional, and shall evaluate the effects of any proposed activity/uses on any riparian zone. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected riparian zone.

ROADSIDE STANDS — An open or covered structure of permanent or temporary construction which fronts on a public street located on land which is owned or leased by the operator for the purposes of direct-to-consumer commodity sales.

ROOFTOP SOLAR ARRAY — A solar energy system, as defined herein, that is mounted to the roof of a building or structure. **[Added 6-14-2012 by Ord. No. 2012-05]**

ROOMER — A person who is not related to the head of the household, and who pays for the privilege of rooming.

ROOMING HOUSE — Any dwelling in which people, either as individuals or as families, are housed or lodged for hire, and which contains five or less such rooms for hire.

SERVICE STATION, AUTOMOTIVE — A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. Major automotive repairs, painting and body and fender work are functions associated with a public garage and not with a service station.

SERVICE ESTABLISHMENTS —

A. BUSINESS SERVICE — Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, employment services, management and consulting services, development and testing, photo finishing, copying and supply services.

B. PERSONAL AND HOUSEHOLD SERVICES — Establishments primarily engaged in providing personal/household services, including photographic studios, beauty shops, barbershops, shoe repair, clothing repair and rental shops; on-premises repair of small household appliances; and instructional classes limited to dance, karate and similar activities, music and ceramic classes; provided, however, that mortuary services and dry-cleaning establishments are specifically excluded.

SETBACK LINE — A line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street line or lot line.

SIGHT DISTANCE — The distance of clear sight required in the alignment of streets and roads.

SIGN — Any announcement, declaration, demonstration, billboard, display, illustration or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed to advertise or promote the interests of the same, when placed out-of-doors in view of the general public, or placed where it may be viewed from the outside of any structure where placed.

SIGN, FREESTANDING — Any sign supported by uprights or braces placed upon or in the ground, and not attached to any building.

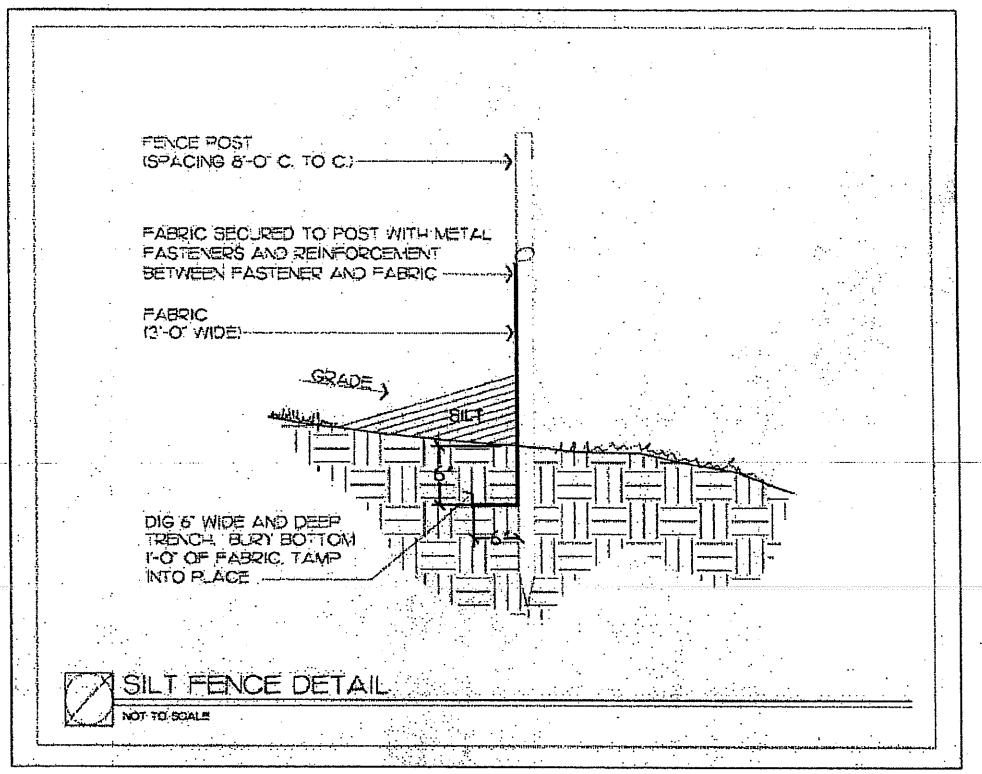
SIGN, MONUMENT — Any sign where the bottom of the information panel is either in contact with the ground or mounted within two feet of the ground.

SIGN, OFF-PREMISES — A sign which advertises a business which is not conducted or a product which is not sold on the lot where the sign is located.

SILT FENCE — A black-plastic-impregnated fabric. (See Figure A.)

SILT FENCING — The installation of silt fence material such that one side is firmly buried in the ground, and the two-foot width is vertically held by periodically spaced sturdy supports. The purpose of silt fencing is to contain soil and debris within a construction or storage zone. (See Figure A.)

Figure A: Silt Fence Detail



SILVICULTURE — The management of any wooded tract of land to ensure its continued survival and welfare, whether for commercial or noncommercial purposes, pursuant to a plan approved by the New Jersey Bureau of Forestry.

SINGLE HOUSEKEEPING UNITS — A separate area containing separate sanitary facilities and/or cooking facilities.

SINGLE LOADED STREET — A street on which there is development on one side only. The other side is usually a conservation area, village green or commons, and/or a public vista.

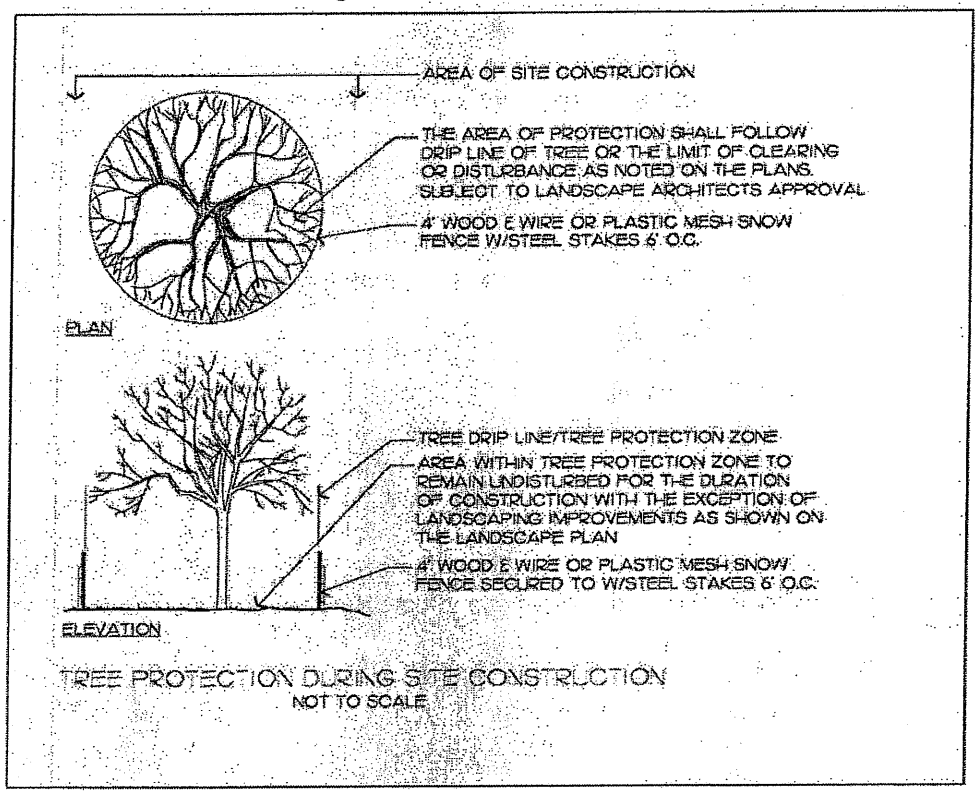
SINGLE OWNERSHIP — Ownership by one person, or ownership by two or more persons jointly as joint tenants, as tenants by the entirety or as tenants in common of a separate lot not adjacent to land in the same ownership.

SITE PLAN — A development plan of a lot or subdivision on which is shown existing and proposed topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings, and any other information deemed necessary by the Zoning Board of Adjustment and/or Planning Board in unusual or special cases. (See Chapter 424, Site Plan Review.)

SNOW FENCE MATERIAL — A brightly colored plastic fencing punctuated with large holes. (See Figure B.)

SNOW FENCING — The installation of snow fence material vertically oriented around trees to be protected, and in front of tree canopies and other protected areas, so that construction equipment does not impact the protected areas. (See Figure B.)

Figure B: Snow Fencing Detail



SOLAR ENERGY DEVICE — A device that directly converts sunlight into electricity using photovoltaics (PV).

SOLAR ENERGY SYSTEM — A solar energy system, as defined herein, that is used to generate electricity. **[Added 6-14-2012 by Ord. No. 2012-05]**

SOLAR PANEL — A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system. **[Added 6-14-2012 by Ord. No. 2012-05]**

SOLAR PRODUCTION SYSTEM — A solar energy system, as defined herein, that is used to generate electricity and has a production capacity of no greater than 15 megawatts. **[Added 6-14-2012 by Ord. No. 2012-05]**

SPECIAL WATER RESOURCE PROTECTION AREA or SWRPA — A three-hundred-foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the

associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

STEALTH TOWER STRUCTURE — Man-made trees, clock tower, bell steeples, light poles and other similar alternative-design mounting structures that camouflage and/or conceal the presence of antennas or towers.

STORE, RETAIL — A building or part thereof in which or from which merchandise or services are furnished directly to the public.

STORE, WHOLESALE DISPLAY — A building, or part thereof, where merchandise is displayed for sale and sold at wholesale.

STORY — That portion of a structure included between the surface of a floor and the surface of the next floor above it. If there is no floor above it, then the space between the floor and the ceiling next above it, and including basements used for the principal use.

STREET — Any avenue, boulevard, road, lane, parkway, viaduct, drive, alley or other way which is an existing state, county, or Township roadway, or which is shown upon a plat, heretofore approved pursuant to law, or is approved by official action as provided by the Municipal Land Use Law, or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

A. ARTERIAL STREETS — Those which are used primarily for fast or heavy traffic.

B. COLLECTOR STREETS — Those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of residential development and streets for circulation within such a development.

C. MINOR, LOCAL STREETS — Those which are used primarily for access to the abutting properties.

D. MARGINAL ACCESS STREETS — Those which are parallel or adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

E. RURAL STREETS — Those which serve dwellings on lots that are one acre or greater, primarily serve as access to abutting building lots, have no on-street parking, and have lot-to-street access designed so that vehicles do not back out of lots onto the street.

F. RURAL LANES — Those which serve dwellings on lots that are two acres or greater, primarily serve as access to abutting building lots, have no on-street parking, and have lot-to-street access designed so that vehicles do not back out of lots onto the street.

G. ALLEYS — Minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

H. CULS-DE-SAC — Dead-end streets having a turnaround, which provides access to adjacent lots.

STREET LINE — The line which separates the publicly owned or controlled street right-of-way from the private property which abuts upon a street, as distinct from a sidewalk line, curbline, or edge of pavement line.

STRUCTURE — A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SURFACE WATER BODY — Any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or state open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

TELECOMMUNICATIONS — Any origination, creation, transmission, emission, storage-retrieval or reception of signs, signals, writings, images, sounds, or intelligence of any nature, by wire, radio, television, optical or other means.

TELECOMMUNICATIONS FACILITY — Any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns or similar types of equipment, towers or similar structures supporting such equipment and equipment buildings.

THINNING — The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

THREATENED SPECIES — Any species of fish or wildlife naturally occurring in New Jersey that may not be in immediate danger of extinction, but exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification or loss of habitat or overutilization for commercial, sporting, scientific or educational purposes. Said species shall be those set forth on the state list developed by the New Jersey Department of Environmental Protection, and those species forth on the national list developed by the Department of the Interior.

TOURIST HOME — A residence in which, as any accessory use, a habitable room or habitable rooms are rented by the day or night to transients.

TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephones, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers and cellular or other wireless telephone towers. The term also includes the structure and any support thereof; provided, however, that in accordance with the expression of the objectives of this chapter, the term "tower" is not intended to mean or include, nor shall same be construed as meaning or including, any noncommercial amateur radio antennas and structures which attend private residences.

TRACT — An area of land composed of one or more contiguous lots which, in the aggregate, contains sufficient area to meet the requirements of this chapter for the use(s) permitted.

TRAILER — A wheel-based vehicle that is designed to be transported by traction and which is used for the transportation or storage of goods, materials, livestock or any object. For the purposes of this chapter, a trailer shall be considered a building and shall be regulated as such,

where trailers are permitted. The regulations of this chapter that apply to trailers shall also apply to the following vehicles, as defined below:

A. CAMPING VEHICLE — A portable structure, or a wheel-based structure built on a chassis, which is self-propelled or designed to be transported by tractors or carried as a self-propelled vehicle, and which is designed and intended to be used as a temporary dwelling for travel, recreation or vacation purposes.

B. MOTORIZED HOME — A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

C. BOAT TRAILER — A trailer designed for the purpose of transporting a boat over land.

D. HORSE TRAILER — A trailer designed for the purpose of transporting horses or animals over land.

TREE — Any deciduous or coniferous species which reaches a typical mature height of 12 feet or more, and has a typical DBH of four inches or greater at maturity.

TREE CANOPY — The top layer or crown of mature trees.

TROUT MAINTENANCE WATER — A section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

TROUT PRODUCTION WATER — A section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VERY LOW INCOME — Income less than 50% of the median income for the region in the document entitled "Section 8 Rental Assistance Program, Income by Family Size," published by the U.S. Department of Housing and Urban Development.

WAREHOUSE — A building used for the temporary storage of goods, materials or merchandise for later or subsequent distribution or delivery elsewhere for purposes of processing or sale.

WATERSHED — The land area that contributes surface runoff or drainage to a fresh or coastal water system or body.

WELLHEAD PROTECTION AREA — The land area(s) that provide recharge to a pumping public or private drinking water supply well.

WETLANDS — Those areas that are inundated by surface or groundwater with a frequency sufficient to support and, under normal circumstances, that do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands include but are not limited to swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds. Wetlands shall include, but not be limited to, those shown on the United States

Department of Interior wetlands maps or similar maps published by the New Jersey Department of Environmental Protection.

WINDMILL — A machine that runs on the energy generated by a wheel of blades on slats rotated by the wind.

WOODED ACRES PERMITTED FOR DEVELOPMENT — The wooded lands within a lot or tract which are not specifically excluded by any federal, state, county or Township law or ordinance, deed restriction or covenant running with the land. For purposes of this chapter, those lands specifically eliminated from consideration as wooded acres permitted for development include, but are not limited to, wetlands as defined by N.J.S.A. 13:9B-1 et seq.

YARDS —

A. FRONT YARD — An area, unoccupied except by a use as hereinafter specifically permitted, extending across the full width of a lot and lying between the abutting street line and the nearest part of the principal structure on the lot. (See Figures 1 through 4 located in the Appendix of this chapter.)

B. SIDE YARD — An area, unoccupied except by a use as hereinafter specifically permitted, extending from the front yard to the rear yard of a lot and lying between the side lot line and the nearest part of the principal structure on the lot. (See Figures 1 through 4 located at the end of this chapter.)

C. REAR YARD — An area, unoccupied except by a use as hereinafter specifically permitted, extending across the full width of a lot and lying between the rear lot line and the nearest part of the existing or proposed principal structure on the lot. (See Figures 1 through 4 located at the end of this chapter.)

ZONING PERMIT — A permit issued by the Zoning Officer in accordance with § 550-12 of this chapter.

ARTICLE IV
Zoning Districts and Zoning Map

§ 550-20. Zoning Districts.

For the purposes of this chapter, the Township of Fredon is hereby divided into 11 zone districts as follows:

AR	Agricultural Residential District
RA	Residential Agricultural District
R-6	Residential District
R-4	Residential District
R-1	Residential District
PRRD	Planned Golf Course Recreational/Residential Development
MUMD	Mixed-Use Market District
LI	Light Industrial District

P	Public District
CP	Community Park District
C	Conservation District

§ 550-21. Zoning Map.

The boundaries of the zone districts are hereby established as shown on a map entitled "Zoning Map of Fredon Township," dated October 7, 2010, as same may be amended and revised, which is hereby made a part of this chapter. The map is on file in the office of the Township Clerk and shall be available for inspection, and copies thereof are available to interested members of the public.

§ 550-22. Interpretation of boundaries.

The zone district boundary lines shown on the Zoning Map are intended to follow street center lines and/or lot or property lines as they existed at the time of adoption of this chapter, unless otherwise indicated by dimensions on the Zoning Map. The exact location of any disputed zone district boundary line shall be determined by the Zoning Board of Adjustment by application, pursuant to N.J.S.A. 40:55D-70(b).

ARTICLE V
General Regulations

§ 550-23. Nature and extent of uses.

The control and regulation of the nature and extent of uses of buildings and structures, as herein provided, shall apply equally to the nature and extent of the use of the land.

§ 550-24. Conformity of area regulations.

No person shall locate, relocate, erect, construct, reconstruct, enlarge or structurally alter any building or structure, except in conformity with the regulations of the district in which such building or structure is located.

§ 550-25. Conformity of use.

No person shall use any land or building for any purpose other than as is permitted in the zone district in which such land or building is located.

§ 550-26. Principal structure.

No lot used for single-family residence purposes may contain more than one principal structure.

§ 550-27. Accessory structures.

No accessory building or structure may be built or located upon any lot on which there does not already exist a principal building or structure. Accessory structures shall comply with the following requirements:

A. Except for agricultural or horticultural accessory buildings or structures located upon a farm, no accessory building or structure shall have a ground floor area greater than the ground floor area of the principal building or structure located upon the same lot or 1,500 square feet, whichever is smaller. The total ground floor area of all accessory buildings and structures shall not exceed the ground floor area of the principal building or structure upon the same lot.

B. No accessory building or structure shall exceed the height of the principal building or structure or 16 feet, whichever shall result in the lesser height.

C. All accessory buildings or structures shall be located at least 10 feet from any principal building or structure located upon the same lot, unless the accessory building is attached to the principal building or structure.

D. Each accessory building or structure upon a lot shall be located at least six feet from any other accessory building or structure on the same lot.

E. Except as otherwise specifically permitted by any provision of this chapter, no accessory building or structure shall be permitted in any front yard, including accessory buildings on corner lots, which shall not be located in either of the two front yards. An accessory building may be located within any side yard or rear yard, provided that the side and rear yard setback requirements established by Subsection G below shall be met.

F. Farm buildings shall not exceed a height of 35 feet and shall meet the side yard and rear yard setback requirements established by Subsection G below. Farm silos and barn cupolas shall be exempt from the foregoing height limitations.

G. The following minimum setback requirements shall be met for all accessory structures:

Floor Area (square feet)	Side Yard (feet)	Rear Yard (feet)
Less than 100	10	10
100 to 500	15	15
501 to 1,000	25	25
More than 1,000	35	35

Height (feet)	Side Yard (feet)	Rear Yard (feet)
Less than 10	10	10
11 to 16	15	15

Height (feet)	Side Yard (feet)	Rear Yard (feet)
17 to 35	30	20

NOTE: The greater of either setback requirement applicable to floor area and height of the accessory building shall control. The height requirements are detailed above in Subsections B and F and not in the chart of Subsection G.

§ 550-28. Fences and walls.

Fences and walls, including retaining walls, are permitted with the following restrictions:

A. Height.

(1) Maximum height at rear of property shall be six feet.

(2) Maximum height at the property side line, but not beyond the front building line, shall be six feet.

(3) Maximum height at the property side line between the front building line and the street right-of-way line shall be three feet.

(4) Maximum height at front of property shall be three feet.

B. No fence or wall shall be located within 25 feet of the center line of the road right-of-way or closer than five feet to the edge of the right-of-way, whichever is greater. Retaining walls may be placed at the edge of the right-of-way line.

C. Farm and industrial use fences for the purposes of traffic safety, which do not obstruct vision, shall be exempt from the restrictions of this section, except that no fence shall exceed six feet in height. Industrial fences may require site plan approval.

D. Fencing, the exclusive purpose of which is to restrict access by deer, shall also be exempt from the restrictions of this section, provided that the following provisions shall apply: such fencing shall not exceed 10 feet in height, such fencing shall be constructed of a fine polypropylene (or other similar material mesh), shall be black in color and shall be sheer in appearance.

E. Fences, where horses are kept as an accessory use to a single-family dwelling, as permitted in the appropriate residential zones, shall be suitable for its intended purposes, i.e., the corralling of such horses, and shall be at least four feet in height. The provisions of Subsection F below shall also apply to this use.

F. Where a fence is placed on top of a retaining wall, the overall height shall not exceed eight feet from the lowest point of the grade on the exposed side of the retaining wall to the highest point of the fence.

G. Fences and/or walls, in combination, that exceed eight feet in overall height from the lowest point of the grand to the highest point of the fence or wall, must be tiered and set back a minimum of five feet from each other and the five-foot setback must contain landscaping.

H. Except when necessary to control livestock upon a farm, the use of barbed wire fencing or incorporation of barbed wire, single strand or otherwise, into any other style of fence is specifically prohibited. Razor wire is prohibited from use for any fencing purposes whatsoever.

§ 550-29. Lot and yard provisions.

A. Usable lot area required.

(1) It is recognized that there are certain critical areas within a parcel of land which would inhibit the appropriate development of the land on which they exist. These constrained areas are to be reserved and protected, to the greatest extent practicable, from land disturbance during the planning process. It is the intent of this section to identify those areas which are constrained and to establish areas within each lot which are suitable for development and to ensure that each new lot created contains sufficient constraint-free land area to accommodate the development of a conventional dwelling and its appurtenances, including a driveway, private recreational area, and, if applicable, a well and septic field.

(2) The following areas of a lot are determined to be potentially constrained for development:

(a) Wetlands and wetlands transition areas.

(b) Floodway and buffers.

(c) Floodway fringe.

(d) Slopes greater than or equal to 15%.

(e) Rock outcroppings.

(f) Depth from natural ground surface to seasonal high-water table of two feet or less (where septic systems are proposed).

(g) Depth from natural ground surface to bedrock of four feet or less (where septic systems are proposed).

(3) To satisfy the intent of this section, all lots shall meet the minimum lot area and all other dimensional requirements established for the applicable zone but shall also be designed to contain within each lot an area of at least 21,780 square feet of contiguous land which is free of constraints to development.

(4) If a lot is served by a centralized sewage treatment system and centralized water system, the minimum constraint-free land area shall be 10,000 square feet. The

requisite constraint-free land area shall be contiguous and shall be located within the building envelope.

(5) Where the lot cannot meet the requirements of Subsection A(3) or (4) above, the subdivider shall be required to demonstrate to the Planning Board that the lot is capable of being developed and used for its zoned purpose consistent with the intent of this section. Specifically, the Planning Board shall have the authority to allow, in certain specific instances, variations from the foregoing parameters and the requirement that the constraint-free land area be contiguous provided the applicant can demonstrate that the dwelling and the following improvements can all be constructed on the lot without substantial detriment to the environment and without impairing the usability of the lot:

(a) A primary septic system;

(b) A well meeting the one-hundred-foot minimum required isolation distance from the primary and reserve septic systems, if a septic system is used;

(c) An area for the dwelling with an area adjacent to the dwelling for recreation purposes; and

(d) An area adjacent to the dwelling for the maneuvering of automobiles.

(6) Where the Planning Board is not satisfied as to the suitability of a lot for its intended use, due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

B. When a new lot or lots are formed from a parcel of land, or where two or more lots are combined into a single parcel of land, the separation or combination shall be effected in such a manner as not to impair any of the provisions of this chapter.

C. Corner lots.

(1) Where a lot is bounded by more than one street, the front yard or setback requirements shall be met on both abutting streets.

(2) On a corner lot, no fence or planting shall be erected or maintained within the limits of a sight triangle easement.

D. Every lot shall provide front, rear and side yards as required for its zone. All front yards shall face upon a public street or private street approved by the Planning Board or Township Committee. On streets less than 40 feet in right-of-way width, the required front yard shall be increased by 1/2 the difference between the width of the street and 40 feet.

E. Front, side and rear building locations within five feet of the minimum setback requirements of this chapter shall be surveyed and certified by a licensed engineer or land surveyor. The survey may be performed at any time prior to the erection of the building above the foundation. A certified copy of the survey shall be presented to the Construction Official when foundation of the building is complete.

F. Where a building lot has frontage upon a street, which on the Master Plan or Official Map of the Township is proposed for right-of-way widening, the required front yard setback shall be measured from such proposed future right-of-way line.

§ 550-30. Height exceptions.

A. The height provisions of this chapter shall not apply to the erection of building appurtenances such as church spires, belfries, towers or flagpoles designed exclusively for ornamental purposes. The height provisions of this chapter shall, moreover, not apply to chimneys, flues, bulkheads, elevator enclosures, water tanks or similar accessory structures occupying an aggregate of 10% or less of the area of the roof on which they are located, and further provided that such structures do not exceed the height limit by more than 10 feet. Nothing in this chapter shall prevent the erection above the height limitation of a parapet wall or cornice extending above such height limit not more than three feet or to the construction of farm buildings of variable heights.

B. Freestanding water storage tanks and other utility structures shall not exceed 35 feet in height, unless it can be demonstrated to the satisfaction of the reviewing agency that a deviation from the thirty-five-foot height limitation will not have an adverse impact on surrounding properties or on the development itself based on topography, existing vegetation or other factors and is essential to the proper functioning of the utility system in question.

§ 550-31. Lot width exceptions.

The lot width of a residential lot may be reduced at the street line on a curve at the end of a permanent cul-de-sac, provided that the specified minimum lot width at the building setback line shall be met and the lot width at the street line shall not be less than 55 feet measured along the subtended chord of the arc at the street line unless otherwise specified for the zone in which the lot is located.

§ 550-32. Flag lot subdivisions.

Flag lots may be created in the RA and AR zone districts in accordance with the following requirements:

A. Flag lots shall be created only in connection with an overall development plan for the tract of which the flag lot is a part and the developer shall demonstrate a need, consistent with good planning principles, for the creation of this lot and further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configurations or other physical characteristics of the land related to the proposed development concept.

B. The flag lot shall contain a minimum of six acres, exclusive of the flag lot stem, within which a lot circle at least 250 feet in diameter shall be able to be inscribed. The lot circle shall be measured within 600 feet of the point at which the flag lot stem meets the flag portion of the lot.

C. The flag lot stem shall remain open and unbuilt upon at all times.

D. The lot shall be deemed to front on such flag lot stem and the required lot width at the street line shall be no more and no less than 50 feet, as measured along the flag lot stem.

E. The entire portion of the required lot area shall be on one side of the flag lot stem.

F. Such flag lots shall not be further subdivided, nor may the flag lot stem be used as access to any other lot or tract of land, unless all improvements required by Chapter 470, Subdivision of Land, have been installed, including the construction of a street or road leading from the public road to all lots proposed to be served which meets all of the design and construction standards, as set forth in Chapter 470, Subdivision of Land.

§ 550-33. Minimum standards for residential uses.

The following minimum standards shall govern all residential uses:

A. Every habitable room shall have at least one window facing directly to the outdoors. The minimum total glazed wall area in any habitable room shall be 10% of the floor area of such room or 10 square feet, whichever is greater. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Every habitable room shall have at least one window, which can easily be opened or such other devices as will adequately ventilate the room. The total of operable window area in every habitable room shall be equal to at least 50% of minimum window area, as hereinabove provided, except where there is supplied some other device approved by the Construction Official as affording adequate ventilation.

B. No person shall occupy or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not contain at least 300 square feet of floor area for the first occupant thereof and at least 200 additional square feet of floor area for every additional occupant thereof. Every room occupied for sleeping purposes by one occupant shall contain at least 100 square feet of floor area and shall have a minimum dimension of eight feet, and every room occupied for sleeping purposes by more than one occupant shall contain at least 70 square feet of floor area for each additional occupant thereof.

C. Every lot, parcel or tract of land upon which a dwelling unit is to be erected shall have a source of potable water on the lot, parcel or tract of land sufficient to supply water needs of the contemplated dwelling unit. In order for the supply to be considered sufficient, the water source shall be consistent with the applicable Residential Site Improvement Standards (RSIS) and Sussex County Health Department requirements.

§ 550-34. Sewage and water systems.

Until such time as Township or private water supply and sewage facilities are made available, no building permit shall be issued for construction, in any zone district, of a structure

requiring the installation of an individual well and sewage system on the same lot with the structure until the Construction Official certifies that the applicant has obtained permits for a septic system and well from the Sussex County Health Department.

§ 550-35. Alteration to lot contours, grades, drainage restricted.

The physical contour of any lot shall not be altered in any manner affecting drainage to the detriment of the property or adjoining property, nor shall natural contours be disturbed or excavations permitted which are likely to involve risks of erosion, landslide, injury to natural vegetation or other hazardous or adverse conditions. Specifically, any lot lying within an area designated on the officially adopted floodplain maps of the Township shall show the extent to which the lot in question lies within the floodplain. In addition, the following specific requirements shall be met:

A. There shall be no increase in the grade of a lot within five feet of an adjoining street or property line.

B. No grade shall be increased to a slope greater than 2:1.

C. There shall be no filling of land nor the erection of retaining walls in any location or to such height as would reduce the sight distance required by RSIS and AASHTO along a street from any point at the setback line of an adjoining lot.

§ 550-36. Elimination of hazardous conditions.

If the Construction Official finds that the construction of any building or the disturbance of natural contours is likely to result in any condition mentioned in § 550-35 above, (s)he shall refer the application and plot plan to the Township Engineer. Upon advice of the Township Engineer, the Construction Official shall require such changes in the construction plans, or (s)he shall require the construction of berms, gutters, retaining walls, dry wells, catch basins and similar structures as may be necessary to control drainage, reduce excavation, maintain a natural environment to the greatest degree possible and to otherwise prevent or eliminate danger from hazardous conditions.

§ 550-37. Right to farm.

A. Purpose. The Township Committee of the Township of Fredon finds that farming has existed and been carried on in the Township of Fredon for hundreds of years past and prior to the residential development that has since become prevalent within the Township. As a result of residential construction which has occurred in close proximity to existing working farms which engage in conventional agricultural practices such as spraying, the spreading of animal waste, fertilization and irrigation as well as other activities which are normally associated with active agricultural operations, those residences have been or may be subjected to the effects or impacts, which some residents may deem to be nuisances, from such agricultural activities. It has been further determined that the farmer must be secure in the ability to continue operation of the farm, and/or earn a livelihood therefrom and engage in customary agricultural practices and techniques, free from the threat of nuisance complaints or litigation resulting from

such impacts to other residents. The Township Committee has determined that whatever adverse effects to residential and other property owners which result from such farming activities are more than offset by the benefits to the Township of Fredon, the County of Sussex and the State of New Jersey of such agricultural operations which include the preservation of open space, the preservation of a desirable agricultural visual environment and the provision of agricultural products and farm output. Consequently, the purpose of this section is to assure the continuation and expansion of commercial and home-based agricultural pursuits by encouraging a positive agricultural business climate and protecting the farmer against unnecessary municipal regulation and private nuisance suits while approved agricultural practices are utilized and agricultural production is engaged in consistent with relative federal and state law, thereby establishing a proper balance among the varied and sometimes conflicting interests of the farm owners/operators and the residents of Fredon Township.

B. This section shall not be construed as, in any manner, superseding any Zoning Ordinance provision with respect to principally permitted, accessory or conditional uses permitted or prohibited in any particular zone district. It is the sole intent of this section to prohibit farming and agricultural operations, when conducted in accordance with accepted agricultural management and farming practices, from constituting or being found to constitute, a public or private nuisance.

C. Activities permitted and protected under this section include all uses and structures customarily incidental to agricultural uses permitted by this chapter, including, but not limited to, the following uses:

(1) The storage, processing and sale of farm products; subject, however, to all other conditions and limitations applicable thereto as set forth in this chapter.

(2) The use of irrigation pumps and equipment.

(3) The application of chemical fertilizers, insecticides, herbicides, pesticides and manure.

(4) On-site distribution of organic agricultural wastes.

(5) Use of the land for the grazing of animals, subject to all applicable restrictions for intensive foul or livestock farms.

(6) The use of farm laborers employed by the farm owner and/or operator.

(7) The use of pubic roadways for the transportation of tractors and other large slow-moving vehicles and equipment.

(8) The construction of fences for retention of animals and livestock.

(9) The use of customary farm machinery and equipment.

(10) The creation of noise, dust, odors and fumes conventionally associated with such agricultural activities.

(11) The engaging in farm practices at any and all times deemed reasonably necessary, including, but not limited to, Sundays, holidays and in the evenings.

(12) The raising and keeping of farm animals, including, but not limited to, dairy cattle, beef cattle, sheep, goats, swine, foul, horses, ponies and mules; provided, however, that proper sanitation measures, minimum recommended acreage limitations and appropriate setbacks between fencing and enclosures for such farm animals and adjoining properties are established and maintained.

(13) Installation of physical facilities for soil and water conservation and the harvesting of timber.

(14) Provisions for the wholesale and retail marketing of the agricultural output of the farm, which include the building of temporary and permanent structures and parking areas for said purpose, providing same conform to all applicable provisions of this chapter and Chapter 424, Site Plan Review.

D. For the purpose of giving due notice of nearby uses to present and future residents, the Township Planning Board shall require an applicant for a major or minor subdivision, as a condition of approval thereof, to include the following notice, both on the subdivision plat itself and in an instrument in recordable form, to provide constructive record notice to buyers of the existence of any proximate agricultural uses, such instrument to be approved by the Township Planning Board prior to the filing of the final subdivision plat or recording of any deed(s), as the case may be. Such notice shall read as follows: "Grantee is hereby noticed that there is, or may in the future be, farm use near the described premises from which may emanate noise, odors, dust and fumes associated with the agricultural practices permitted under § 550-37, Right to farm, of the Fredon Township Zoning Ordinance." A copy of this section shall be attached to said deed(s).

§ 550-38. Wireless communication towers.

A. General requirements for towers and antennas.

(1) Antennas and towers shall be permitted as either principal or accessory uses in the LI and CF Zones. Notwithstanding any other Township land use regulation, an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use. If a tower and its appurtenant structures are not the sole use of the lot, the tower shall be deemed an accessory use. In either case, antennas and towers shall be subject to the design standards in Subsection B below.

(2) For purposes of determining whether the installation of a tower or antenna complies with the applicable regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas may be located on leased parcels within such lot.

(3) Commercial wireless communications antennas and equipment, including towers, which have not been in use for commercial wireless communications purposes for a period of one year, shall be removed by the property owner. This removal shall occur within 60 days of the end of such one-year period. Upon removal, the site

shall be cleaned and restored. Any and all costs of removal shall be the sole responsibility of the property owner. If the property owner fails to remove the unused equipment within the specified time period, the Township of Fredon may undertake such removal, and the property owner shall be liable for all of the Township's costs for removal and any additional costs incurred by the Township to recover its costs, including attorneys' fees, if applicable.

B. Design standards for towers and antennas.

(1) Co-location on approved wireless communications facilities is required as a primary option rather than construction of new or additional single-use towers. Applications for new or additional towers shall include a letter of commitment, submitted prior to any approval by the reviewing board, to lease excess space on the facility to other communications providers at reasonable rental rates and on reasonable terms. The letter shall commit the owner of the facility and successors in interest. If the applicant provides proof that co-location would require additional antenna height that would create a visual detriment, then the reviewing board may waive the requirement of co-location.

(2) Aesthetics.

(a) Towers shall either maintain a galvanized steel finish subject to any applicable standards of the FAA or the Township Planning Board, or be painted a neutral color so as to reduce visual obtrusiveness.

(b) Stealth technology shall be utilized where, unless there is a visual benefit to not using stealth technology.

(c) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings, and shall be located behind existing structures, buildings or terrain features which will shield the buildings and related structures from view.

(d) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be at a neutral ratio that is identical to, or closely comparable with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(3) Area, yard and bulk requirements.

(a) If an antenna is installed on a structure other than a tower, the height of such antenna shall not exceed the height of the structure above the ground by more than 10 feet.

(b) No freestanding tower or antenna structure shall exceed the height necessary in order to fill the gap in service shown by radio frequency experts, which shall be demonstrated through provision of a radio frequency report.

(c) Any freestanding tower shall be set back from the property line a distance equal to or greater than the height of the tower and antenna.

(d) Any freestanding tower shall be located at a minimum distance from a residential zone of at least two times the proposed height of the tower..

(e) Any proposed building related to electronic equipment shall not be more than 15 feet in height nor more than 600 square feet in area, and only one such building shall be permitted on the lot for each provider of communication services located on the site.

(f) Any equipment building or structure servicing the wireless communications tower or antenna shall conform to the setback requirements otherwise applicable in the zone district or be set back at least 15 feet from the property line, whichever is greater.

(4) Lighting shall be prohibited except as follows:

(a) A building enclosing electronic equipment may have one light at the entrance to the building, provided the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building,

(b) No lighting is permitted on a tower except lighting specifically required by the FAA.

(c) Any such required lighting shall be focused and shielded to the greatest extent possible so as not to project toward adjacent and nearby properties.

(5) Towers or antennas proposed within a scenic corridor shall be subject to the standards set forth in § 550-44 in addition to this section. Where the standards in this section and § 550-44 conflict, the more restrictive requirement shall apply.

(6) All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other state or federal agency with the authority to regulate such uses and, when such raised standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of the tower or antenna at the owner's expense.

(7) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time to time. If, upon inspection, the Township of Fredon concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30

calendar days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 calendar days shall constitute grounds for the immediate removal of the tower or antenna by the owner, lessee or by the Township at the owner's expense.

(8) No signs shall be allowed on an antenna or tower except as may be required by the FAA or FCC or as required or permitted by the Planning Board or Zoning Board of Adjustment.

(9) Minimal off-street parking shall be permitted as needed and approved by the appropriate land use board.

(10) All towers shall be designed with anti-climbing devices in order to prevent unauthorized access. Additionally, any tower supporting cellular or other wireless tower antennas and any building enclosing related electronic equipment shall be surrounded by a fence between six feet and eight feet high, excluding barbed wire. The fence shall be bordered by a double stepped row of evergreen conifer trees at least eight feet tall at the time of planting and shall be planted 10 feet on center.

(11) No cellular or other wireless antenna and/or its related electronic equipment shall interfere with any public safety communications.

(12) Noise levels at any property line shall not exceed 50 decibels or current noise standards promulgated by the State of New Jersey, whichever is less.

(13) Any generator located on site shall be enclosed within a portion of the electronic equipment building. Any fuel storage shall be done in compliance with federal and state regulations and shall be limited to fuel stored within the primary fuel tank provided by the manufacturer of the generator. No auxiliary or supplementary fuel storage shall be permitted.

§ 550-39. Outdoor cafes.

A. Outdoor cafes shall be permitted in the MUMD zone district as an accessory use to indoor eating facilities such as coffee shops, restaurants, ice cream parlors, bakeries, and cafes. The outdoor cafe shall be located on the same lot as the principal permitted indoor eating facility.

B. The area devoted to outdoor dining areas shall not exceed 15% of the indoor dining area.

C. Location and design.

(1) Outdoor dining areas shall only be located on private property within the permitted building area immediately adjacent to the building.

(2) All outdoor cafes shall be a minimum of 50 feet from the property line of a residential property. The reviewing agency may require a buffer, which may include a staggered row of evergreen plantings, supplemented by additional ornamental and deciduous plant material.

(3) The operation of an outdoor cafe shall be located such that there is at least four feet of clear and unobstructed passageway between the tables, chairs, and barriers and any street trees, bike racks, lampposts, signposts, and any other fixtures or obstructions. The reviewing agency may require more than four feet to protect public safety if it deems that it is necessary because of site-specific conditions.

(4) Outdoor dining shall be located at least eight feet from any driveway and/or parking area, excluding designated passenger dropoff and pickup areas.

(5) Outdoor dining shall be set back at least 15 feet from the curbline of a street and shall comply with all sight triangle requirements.

D. A screen visually separating adjacent private property from the proposed outdoor dining area shall be provided. The screening may include landscaping, retaining walls, and/or fencing materials or any combination thereof.

E. All lighting shall be directed towards the principal restaurant and shall otherwise comply with § 424-30 of Chapter 424, Site Plan Review.

F. Amplified entertainment is not permitted in outdoor dining areas.

G. No outdoor storage of refuse shall be permitted.

H. The applicant shall comply with the parking requirements for restaurant uses. In calculating the required parking, all seats, both indoor and outdoor, must be utilized.

§ 550-40. Windmills.

Windmills, including those used for the production of electric current, shall be a permitted accessory use in all zone districts, subject to the following conditions:

A. The primary purpose of the proposed windmill(s) shall be to provide power for the principal use of the property whereon said windmill(s) is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from a windmill designed to meet the energy needs of the principal use.

B. The minimum lot size required for the erection, construction or placement of a windmill on a property shall be seven acres.

C. The height of the proposed windmill(s) shall be limited to the maximum principal building height permitted in the zone district in which said windmill(s) is located.

D. Location and setbacks.

(1) The proposed windmill(s) shall comply with the requirements for scenic corridors, as set forth in § 550-44.

(2) The windmill and its location on the property involved shall be designed to eliminate any nuisances to surrounding properties and to limit any noise from said windmill from being heard off the property where said windmill is located.

(3) No windmill shall be located in any required front yard area.

(4) In the side and rear yards, the proposed windmill(s) shall be located within 50 feet of the principal structure and shall have a minimum setback equal to 120% of the total height of said windmill from the following: property lines, rights-of-way, overhead utility lines, and travelways (including driveways, parking lots, sidewalks, and nature trails).

E. The proposed windmill(s) shall not be artificially illuminated.

§ 550-41. (Reserved) [2]

§ 550-42. Outdoor furnaces.

Outdoor wood-burning furnaces shall be a permitted accessory use in all zone districts, subject to the following conditions:

A. No person shall cause, allow, or maintain the use of an outdoor furnace within the Township of Fredon without first having obtained a permit from the Building Department.

B. Only firewood, untreated lumber and other materials recommended by the manufacturer are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is prohibited.

2. **Editor's Note: Former § 550-41, Solar energy devices, was repealed 6-14-2012 by Ord. No. 2012-05.**

C. The minimum lot size required for the installation of an outdoor furnace on a property shall be two acres.

D. Outdoor furnaces shall be setback a minimum of 300 feet from any property line.

E. Outdoor furnaces shall be equipped with a smokestack/chimney that is a height recommended by the manufacturer. This recommended height must be provided by the applicant and must be above the top roofline of any neighboring residential building.

F. All outdoor furnaces shall be equipped with properly functioning stove pipe fans in the smokestack/chimney and shall be operated in accordance with manufacturer standards and must function properly.

G. Outdoor furnaces shall be operated only between October 1 and May 1.

H. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

ARTICLE VI
Design Standards

§ 550-43. Streets.

A. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.

B. Minor streets shall be so designed as to discourage through traffic.

C. Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planting or some other means of separation of through and local traffic, as the Planning Board may determine appropriate.

D. The right-of-way width shall delineated in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:52-4.5, and shall be measured from lot line to lot line.

E. No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the Township Committee under conditions approved by the Planning Board.

F. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan, the Official Map or the street width requirements of this chapter shall dedicate additional width along either one or both sides of the road. If the subdivision is along one side only, 1/2 of the required extra width shall be dedicated.

G. Street grades, curves and intersections shall be designed in accordance with the criteria set forth in Table 4.6 of Section 5:21-4.20 of the Residential Site Improvement Standards.

H. Street intersections shall be as nearly at right angles as possible and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curbline with a curb having a radius of no less than 20 feet.

I. Street jogs with center-line offsets of less than 125 feet shall be prohibited.

J. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.

K. No proposed cul-de-sac, dead-end street or street having only one means of ingress and egress shall be approved by the Planning Board, unless it has an average daily traffic volume of less than 250 trips and complies with all Residential Site Improvement Standards.

L. The number of culs-de-sac, dead-end streets or streets having only one means of ingress and egress permitted on any tract which is the subject of a major subdivision in a residential zone, excluding those tracts developed in accordance with Article XVIII, Cluster Subdivisions, shall be as follows:

Zone	Maximum Number Permitted
AR	1 for the first 50 acres; 1 additional for each 100 acres thereafter
RA	1 for the first 50 acres; 1 additional for each 100 acres thereafter
R-6	1 for the first 30 acres; 1 additional for each 60 acres thereafter
R-4	1 for the first 20 acres; 1 additional for each 40 acres thereafter
R-1	Not applicable

M. Such cul-de-sac, dead-end street or street having only one means of ingress and egress may either be permanent or temporary. If temporary, dedication shall be made, and the plat shall so indicate, to the Township Committee for the future extension of such a temporary cul-de-sac, dead-end street or street having only one means of ingress and egress. Provisions shall be made for the removal of curbing and paving excess to the design requirements of the street when through connected. Provisions shall be made for the reversion of excess right-of-way to adjoining property owners. The land proposed for dedication to the Township for the future extension of such a street may be required to be cleared and graded, in the discretion of the Planning Board.

N. The "bulb" or turnaround area of such a cul-de-sac, dead-end street or street having only one means of ingress and egress shall not provide access to more than three residential driveways, nor shall same provide frontage to more than three conforming residential lots.

O. A cul-de-sac, dead-end street and street having one means of ingress and egress shall conform to the following design requirements which shall be in addition to the design requirements for all public streets in the Township:

(1) The minimum radius of the "bulb" or turnaround area of the cul-de-sac, dead-end street or street having only one means of ingress and egress shall be 42 feet, shall be without any center "islands" and shall be fully paved in accordance with applicable prevailing standards for street and road construction in the Township.

(2) The "bulb" or turnaround portion of the cul-de-sac, dead-end street or street having only one means of ingress and egress shall have a total right-of-way radius of 50 feet.

(3) In order to facilitate the removal of snow in the "bulb" or turnaround area portion of the cul-de-sac, dead-end street or street having only one means of ingress and egress, there shall be dedicated to the Township, in addition to the fifty-foot right-of-way radius, an additional ten-foot radius.

(4) The "bulb" or turnaround portion of the cul-de-sac, dead-end street or street having only one means of ingress and egress shall be tangent, where possible, to the right-hand side of the street.

(5) The minimum offset distance between center lines of opposing streets shall be 200 feet.

(6) A graded berm area, having a width of 10 feet, and sloping toward the curbing at a minimum 2% gradient, shall be provided around the perimeter of the "bulb" or turnaround portion of the cul-de-sac, dead-end street or street having only one means of ingress and egress.

P. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

Q. Surfacing and paving of all streets in any subdivision shall meet the minimum requirements established by the Township Committee or any related agencies.

R. Sight easements shall be required. The minimum specifications shall be the design standards currently used by the Engineering Department of Sussex County.

§ 550-44. Scenic corridors.

A. Contents of application. All proposed development applications located within the scenic corridor areas as identified in the 2007 Fredon Master Plan, except those exempted by Subsection B below, shall be subject to the provisions of these design standards. In order to demonstrate compliance therewith, the applicant shall provide the following information:

(1) A demonstration, visually and/or graphically, of how the proposed development will be compatible with the intent and purpose of these design standards through the utilization of appropriate technology, i.e., digital photography and/or computer simulation. Such methodology shall simulate the proposed location, size and character of the improvements proposed as viewed from the scenic corridor and other scenic destinations.

(2) A landscaping plan, showing all existing and proposed buffer plantings suitable to screen the proposed development from the scenic corridor, shall be required for all projects within a scenic corridor. Landscaping shall be installed by the applicant in accordance with the approved landscape plan. The landscape plan shall include a

combination of berms, natural fencing, native deciduous and evergreen plantings which, to the greatest extent practicable, replicate and compliment the predevelopment natural environment. The following items shall also be incorporated in the landscaping plan:

(a) Existing hedgerows located along scenic roadways shall be protected and preserved to the greatest extent practicable and improvements such as roadway widening, the installation of utilities, curbing, sidewalks and stormwater management structures and facilities shall be designed and located so as to minimize the adverse impact to such features.

(b) The clearing of existing trees, vegetation and other natural features shall be minimized consistent with the goal of protecting and preserving the scenic corridor and scenic roadway.

(c) Existing vegetation shall be utilized to screen or buffer visually incompatible project elements and to enhance the visual relationship of the proposed development to its surrounding natural environment.

(d) Extensive grassed lawns (greater than one acre in aggregate area) shall be avoided in favor of naturalized plantings and screenings.

(e) Existing vegetation shall be protected and preserved, to the greatest extent practicable, by means of establishment of conservation easements to be established during the development application.

(f) A tree preservation plan shall be submitted detailing a tree preservation fence which delineates the area to be disturbed. At no point shall this area be wider than 15 feet beyond the footprint of the structure.

B. Exemptions. The design standards set forth herein shall not apply to the following categories of development:

(1) Construction of a detached residential unit on a conforming lot, which lot has not been part of any subdivision or site plan application within five years immediately prior to the submission of the present application.

(2) Building additions or accessory structures, provided that said improvements represent a 30% or less increase over the size of the existing structure and further provided that the proposed new addition or accessory structure does not further encroach into the scenic corridor or into the enhanced setback intended to protect that scenic corridor.

(3) Buildings, structures and driveways which are part of a farming operation as defined in this chapter and which comply with all provisions of this chapter with respect to use and which operations are undertaken in compliance with § 550-37, Right to farm.

(4) Minor site plans, as defined in Chapter 424, Site Plan Review, provided the disturbance and structure is less than 1,000 square feet in total area and further provided that the Planning Board shall have deemed the development which is the

subject of the minor site plan application will have no or a di minimus impact upon the scenic corridor.

C. Boundaries. Scenic corridors shall encompass all lands within 600 feet of the edge of the right-of-way of both sides of the scenic corridors as identified in the 2007 Fredon Master Plan.

D. Setbacks. Any development, herein defined as the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, in a scenic corridor shall be governed by the following setback requirements:

(1) Front yard setbacks for principal structures shall be in accordance with that required for the zone district in which the property is located.

(2) A roadway buffer of at least 40 feet shall be provided within the required front yard setback abutting the right-of-way of the scenic corridor. Roadway buffers shall be subject to the following:

(a) No buildings, structures, parking facilities, fences or other development shall be permitted within the buffer area, except for the following items. Other minor accessory features of the development may be included within the roadway buffer if compatible with the purpose of the roadway buffer or essential to the identification of the development, subject to the approval by the Zoning Officer.

[1] Signage.

[2] Sidewalks.

[3] Bike paths.

[4] Pedestrian trails.

[5] Landscaping.

[6] Underground utilities.

[7] Ground-mounted lighting.

[8] Mailboxes.

[9] Driveway access.

(b) Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as determined appropriate and directed by the Zoning Officer. Where such existing trees and significant vegetation are sparse, they may require revegetation as directed by the Zoning Officer. Vegetation within a roadway buffer that is required to remain within a roadway buffer may be pruned and/or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the Zoning Officer.

(c) When the application of the roadway buffer requirement above would have the practical effect of screening from view important scenic sites, natural qualities or historic qualities, the Zoning Officer may permit a modification of these provisions so that views of such sites or qualities are retained. The intent of this provision is to preserve lines of sight to view distant scenery from scenic corridors.

(d) For developments containing agricultural commercial uses and which require the display of goods in view from the road, the Zoning Officer may, upon application, permit a modification of the development setback, roadway buffer and screening requirements set forth herein to allow for reasonable but limited view of agricultural commercial products from the road, provided that no such product view area shall extend more than 20% of the total length of the property frontage along the scenic corridor.

(3) Where property is to be subdivided in accordance with Article XVIII, Cluster Subdivisions, any lot(s) in the cluster development that directly abut a scenic corridor shall have a front yard no less than 60 feet (including a forty-foot roadway buffer) along the right-of-way of the scenic corridor.

E. General design standards for development within scenic corridor boundaries. All site layouts, landscape plantings, signage, erosion control plans, proposed building plans and designs for principal and accessory structures within scenic corridors shall comply with the following:

(1) All development shall preserve and protect the aesthetic character of natural features such as rock outcroppings, individual trees or groups of trees, hedgerows, streams, ponds, meadows, open fields, mountain profiles, ridge lines, plateaus, water bodies and watercourses and similar elements that, individually or collectively, constitute a significant aspect of the visual landscape of the community or of the scenic road or scenic corridor.

(2) Site design shall preserve and protect significant man-made features such as stone walls, wooden fences, historically or architecturally significant structures such as barns, agricultural outbuildings, places of worship or residences that, individually or collectively, constitute a significant portion of the visual landscape of the community, scenic roadway or scenic corridor.

(3) Proposed structures within the scenic corridor boundaries shall be designed in harmony with and minimally intrusive to the scenic corridor's topography, viewsheds and aesthetic attributes. In that regard, the proposed architectural detail and style of the structures shall be in keeping with the character of the area, utilizing earth tones and natural materials. In addition, the proposed scale and massing of the structures shall be designed to minimize the visual impact from the scenic corridor and to blend into the scenic background of the area. The establishment of building envelopes and building sites in open fields shall be discouraged. Building envelopes and sites shall be adaptively located on and along the edges of established fields to the greatest extent practicable.

(4) Existing tree lines, woodlands and hedge rows that frame open fields shall be preserved and used to effectively screen new buildings from view or used to blend new construction into the scenic landscape.

(5) Building setbacks shall be varied in order to avoid a monotonous site design. Building heights, masses and roof lines or ridge lines shall be oriented in a manner so as to create the least obstruction to the scenic attributes or viewshed.

(6) The visual appearance of farmsteads and farmlands shall be preserved to the greatest extent practicable by adaptive use or reuse of farm buildings, structures and other features, together with the preservation of contiguous open space adjacent to such buildings.

F. Height.

(1) No building, structure, or sign shall exceed the following height limits, which are designed to have a "step-back" effect to preserve viewsheds.

Distance of Area Measured from Road Corridor Right-of-Way	Description of Area	Maximum Height of Building or Structure, If Permitted (feet)
0 to 40	Roadway buffer	10
41 to 100	Development setback	20
101 to 200	Development area	35
201 to 300	Development area	45

(2) Cross-section drawings and/or photo simulations showing how proposed structures meet the height requirements of this section may be required by the Zoning Officer to ensure compliance with this section.

G. Signs.

(1) Notwithstanding the height requirements set forth in Subsection F above, the standards as established by Article XXIII, Signs, shall govern as the minimum standards.

(2) In addition to those standards set forth in Article XXIII, in order to assure that a sign is aesthetically compatible with the visual environment in the scenic corridor in which same is to be located, natural, earth-tone colors and materials shall be utilized.

(3) Signs may be indirectly illuminated by means of spotlights, provided that adjacent properties and adjoining roadways shall be shielded from glare.

(4) Internally illuminated signs shall be prohibited.

(5) All signs must be presented with a landscape plan detailing native deciduous, evergreen plantings as well as perennials to be installed immediately adjacent to the sign area and to be incorporated into the overall design of the sign.

(6) The required plantings shall be positioned to minimize glare and light spillage from any lighting fixture installed.

H. Fences and walls.

(1) The standards as established by § 550-28, Fences and walls, shall govern as the minimum standards.

(2) Fences constructed within a scenic corridor shall be no greater than 50% opaque, i.e., picket, post-and-rail, or woven-style fences. Chain-link fences and fences with vinyl or aluminum slats shall be prohibited from scenic corridors except for security purposes for utility installations. Fences shall not incorporate barbed wire unless utilized in conjunction with an active agricultural operation on a qualified farm.

(3) Decorative, retaining or structural walls in a scenic corridor shall not exceed four feet in height and shall be constructed of natural stone or other material that replicates natural materials, as approved by the Planning Board, which is aesthetically consistent with the character of the scenic corridor in which same is to be located.

(4) When possible, natural materials from the site shall be incorporated into the fence and wall design, i.e., stones, twigs, rock outcroppings and plantings.

I. Roadways and driveways.

(1) Roadways identified as scenic roadways or corridors in the 2007 Fredon Master Plan shall be protected and preserved in their existing condition, to the greatest extent practicable, consistent with sound engineering practices and the protection of the public health and safety.

(2) New residential streets shall be constructed in accordance with the Residential Site Improvement Standards (RSIS). Provided, however, where the Planning Board determines, based upon the advice of its professionals, that the RSIS standards negatively impact upon the attributes sought to be protected by these standards, the Township will consider seeking a waiver of such improvements from the Department of Community Affairs (DCA).

(3) The establishment of rural streets and lanes is encouraged, provided paved roadway widths are adequate to accommodate the public health and safety and emergency vehicles.

(4) New rural lanes that are to be constructed adjacent to the scenic corridor shall follow existing grade contours to minimize the extent of cuts and fills and shall be designed in order to follow, to the greatest extent practicable, linear features of the tract, such as the existing farm lanes, trails, stone rows, tree lines or hedgerows.

The establishment of such roadways traversing open fields shall be avoided to the greatest extent practicable.

(5) Driveway access points shall be limited along scenic corridors in order to promote the free and safe circulation of traffic while maintaining the scenic qualities of the roadside views.

(6) Driveways shall be designed, to the greatest extent practicable, to follow existing linear features of the tract, such as existing farm lanes, trails, stone rows, tree lines or hedgerows.

(7) Common driveways and rural lanes shall be utilized when the applicant can demonstrate significant benefits of doing so in order to reduce improvements within the viewshed and the scenic corridor, reduce impervious coverage and maximize the preservation of the scenic corridor.

(8) Maximum driveway width shall be subject to the driveway design requirements set forth in Chapter 219, Driveways.

(9) In the event of any conflict between these design standards and the requirements of Chapter 219, Driveways, and such conflict relates to the public health and safety including, but not limited to, emergency vehicle access, the requirements of Chapter 219, Driveways, shall control.

(10) Reverse frontage lots may be incorporated into the site design in order to minimize driveway cuts onto scenic roadways and rural lanes, provided they enhance the overall design of the site and preserve existing natural features.

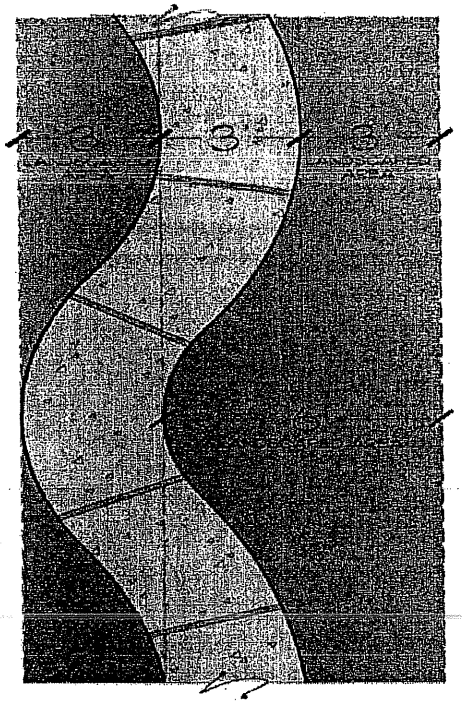
(11) Reverse frontage lots shall provide conservation easements along the rear property line to preserve the natural environment and plantings. The width of the easement shall be the width of the required buffer.

J. Curbs and sidewalk.

(1) Curbing shall be established along the scenic roadways only in the event and to the minimum extent necessary to provide for adequate stormwater management or edge of pavement stabilization or where and only to the extent required by the Residential Site Improvement Standards (RSIS). Such curbing shall be vertical-faced granite block.

(2) Stabilized shoulders shall be preferable to curbing when the soil conditions and slopes make their use feasible in order to preserve the rural character of the roadway and scenic corridor.

(3) The use of sidewalks along scenic roadway corridors and along internal rural lanes shall be discouraged, except when necessary for the protection of the public health and safety or required by the Residential Site Improvement Standards (RSIS). If sidewalks are necessary, they should be designed to meander in between existing and proposed landscaping. As illustrated in the diagram below, a minimum of three feet of landscaped area shall be provided between the sidewalk and the curb, within a total landscaped width of nine feet.



(4) Materials utilized for sidewalks shall preferably consist of crushed stone, paving bricks, paving stones, stamped concrete, bonded natural stone (oil and chip process) or other natural materials.

K. Stormwater management.

(1) All stormwater management structures, facilities and appurtenances shall be designed so as to effectuate minimal changes to natural drainage patterns and systems and minimal disturbance within the scenic corridors. Nonstructural solutions and stormwater facilities that are designed to resemble and function as natural pools, ponds or wetlands areas shall be encouraged.

(2) Design of all stormwater facilities shall comply with the Best Management Practices (BMP) Manual as published, revised and amended from time to time by the New Jersey Department of Environmental Protection and shall meet all applicable NJDEP requirements.

(3) All stormwater management structures shall be landscaped and screened from public view unless they are design constructed and landscaped so as to resemble natural features.

(4) Plant materials utilized shall consist of native species tolerant of the anticipated flooding and/or wetland conditions within the basin.

(5) Basins designed to resemble natural wetlands areas shall be planted with trees and other vegetation to effectively cover all areas of the interior of the basin to the level of the emergency spillway elevation. Of the total tree plantings, 10% shall be of a minimum two-and-one-half-inch caliper; 20% shall be of a minimum of one-and-one-half-inch caliper and 70% thereof shall be whips having a minimum planted height of six feet.

(6) Trees shall be planted in groves and randomly spaced between five and 15 feet on center.

(7) Detention basins designed to function as dry basins shall be planted with trees in the interior of the basin in a naturalized pattern so as to not interfere with the design function of the basin, including the low-flow channel, and so as not to interfere with the necessary periodic maintenance of the basin.

(8) All areas of dry detention basins shall be seeded with natural wildflowers or a wet meadow grass mix unless sod or hydro-seeding is necessary to stabilize the slopes. Such plantings, other than wildflowers and grasses, shall not be located within 10 feet of the low-flow channel in order to facilitate proper functioning and drainage.

(9) Plantings established along the perimeter of the basin's water edge and along the top of slope of the basin shall be designed so as to accentuate views of basins designed as natural water features and so as not to obstruct scenic vistas. Such plantings shall include native deciduous and mixed variety evergreen trees and wildflowers.

L. Utilities.

(1) All new utility distribution lines and services shall be installed underground, except for lines and services serving active agricultural operations.

(2) To the greatest extent practicable, electric transmission lines not installed underground shall be located on existing poles or towers.

(3) Any wireless telecommunications facilities located within a scenic corridor shall be building mounted internally or incorporate stealth technology, i.e., design to resemble trees, barns, farm outbuildings or silos.

(4) Streetlighting shall be discouraged except as required by the Residential Site Improvement Standards (RSIS) or as necessary to protect the public health and safety. If streetlighting is proposed, then the fixtures and posts identified for the MUMD zone district in Article XIII shall be utilized.

M. Soil erosion control measures.

(1) In order to minimize aesthetic incompatibility, soil erosion and sediment control measures shall utilize, to the maximum extent practicable, natural vegetative cover and plantings and shall be maintained in a condition so as to resemble natural conditions. Use of vegetation requiring periodic mowing, such as lawn grasses, shall be discouraged.

(2) Stormwater management control devices, structures and measures shall consist to the greatest extent practicable, of nonstructural natural materials, such as vegetative cover, fiber mesh, matrices and natural stone. The use of concrete structures and coarse-crushed rock materials, such as riprap, shall be avoided.

N. In the event any of the foregoing design standards conflict with specific provisions of the land use regulations (this chapter, Chapter 470, Land Subdivision, or Chapter 424, Site Plan Review), the stricter of the two requirements shall prevail. In the event any of the foregoing provisions conflict with either the Residential Site Improvement Standards (RSIS) or the standards established by the Sussex County Soil Conservation Service, the standards established by the Residential Site Improvement Standards (RSIS) and/or those established by the Soil Conservation Service shall control.

§ 550-45. Trails.

Those lots within the MUMD Zone developed in accordance with Article XIII, Mixed-Use Market zone district, shall provide pedestrian circulation and/or trails in accordance with the following requirements. All of the provisions in this section are required for major subdivision and site plan applications. Minor subdivision and site plan applications shall only be required to comply with Subsections A through E below.

A. The trail system shall be provided to connect residential areas to common recreational, open space and conservation areas and to provide convenient pedestrian access to commercial areas.

B. Trail routes shall be laid out in general accordance with the Township's conceptual trailway plan in the 2007 Master Plan to ensure an interconnected network of open space, such as streams, wetlands, wildlife corridors, or forested areas.

C. Trailways shall not bisect any residential lot and shall follow property and right-of-way lines.

D. The Board may waive the construction of the actual trail if deemed appropriate; however, a trail right-of-way at least 10 feet in width should be illustrated on the subdivision plat or site plan.

E. All trailway lands and the associated setbacks from residential lots that are required in this section shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for trail construction and maintenance.

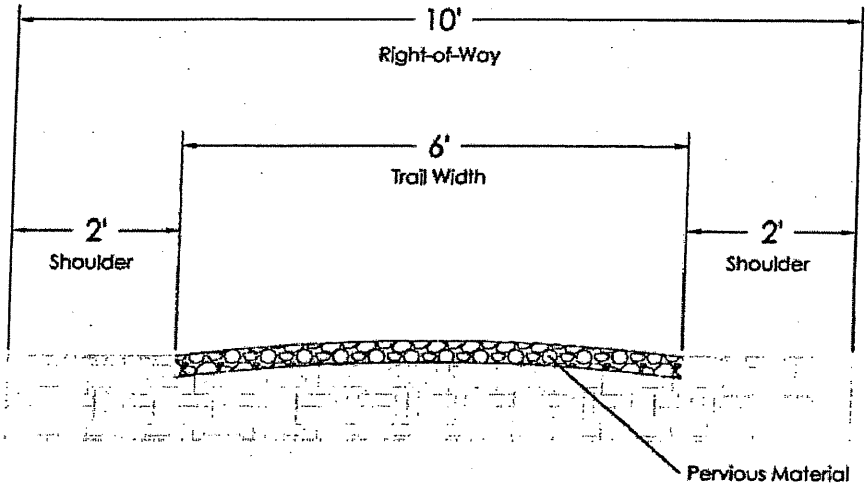
F. The trails shall be single-tread, multiuse facilities, accessible to all nonmotorized active recreational users, including pedestrians, mountain/off-road cyclists and equestrians.

G. Trail width shall be a minimum of six feet; wider widths may be necessary near pedestrian generators such as recreation facilities, bodies of water, prime viewsheds or other areas of interest.

H. Trail shoulder areas shall each be a minimum of two feet wide and planted with grass, ground cover or treated with other suitable, low-lying, indigenous cover material.

I. Trail rights-of-way shall be measured from the outer edge of one shoulder to the outer edge of the opposite shoulder, as shown in Illustration 1.

Illustration 1: General Trail Dimensions



J. All trails shall have a vertical clearance above the primary trail bed of at least eight feet.

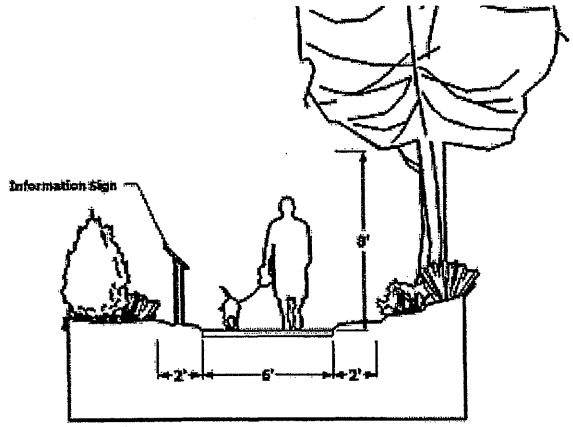
K. The trail beds shall be constructed of pervious material such as gravel, wood chips, granular stone or other similar material.

L. Signs, including system-wide maps, trail head signs, directional signs, signs indicating exit points or points of interest and other such signs, shall be provided at various points along the length of the trail system, where appropriate. The design of trail signs shall be consistent, of a style appropriate to and approved by the Zoning Officer and erected in accordance with local standards.

M. Trails shall be constructed as either a "rural trail" or a "rustic trail," in accordance with the following descriptions and as shown in Illustrations 2 and 3:

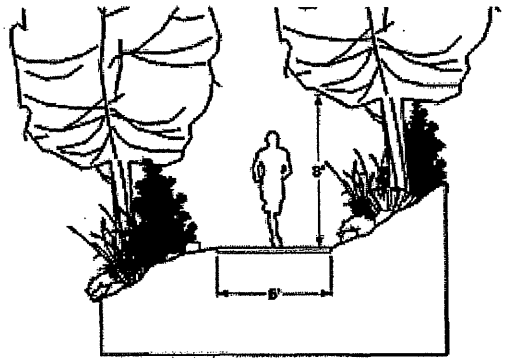
(1) Rural trail. This style of trail will serve as the predominant type and would generally be constructed on relatively flat, low-impact terrains. As such, rural trails would be accessible to most user groups as recreational or transportation routes. Terrain will dictate trail width and the presence of shoulders.

Illustration 2: Generic Trail Section, Type A: Rural Trail



(2) Rustic trail. This type of trail would generally be constructed in more remote wooded areas or on slopes. The inclusion of shoulders may not be feasible depending on terrain. Terrain will also dictate trail width. Due to their setting, rustic trails may have limited accessibility or may not be suitable for all user groups.

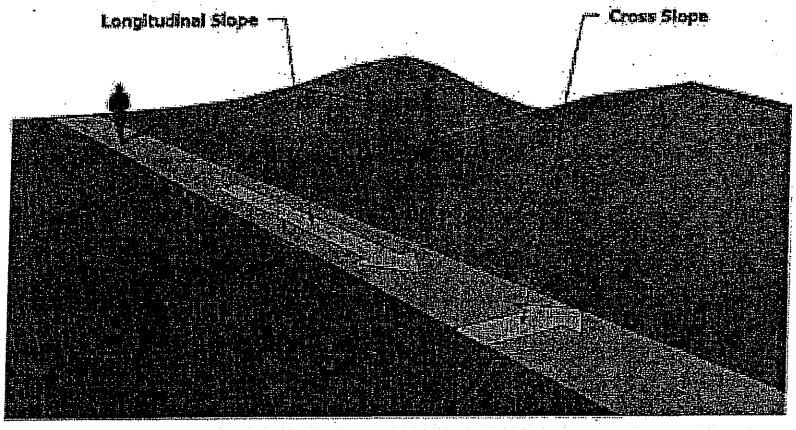
Illustration 3: Generic Trail Section, Type B: Rustic Trail



N. The trail bed shall be clear and unobstructed by either natural or man-made intrusions such as trees, bushes, ground cover, signs, fences or any other such obstructions.

O. Longitudinal slopes for all trails, regardless of type and use, shall be between zero and 8%; cross slopes for all trails, regardless of type and use, shall be between 2% and 4%, where practical.

Illustration 4: Longitudinal and Cross Slopes



P. Each development shall provide at least one access point to the trail system, and one additional access point required for every 200 feet of tract width.

Q. New trail construction must be set back a minimum of 20 feet from the property line. Within the twenty-foot setback, the applicant shall provide screening in the form of fences, berms, walls and/or landscape material as deemed appropriate by the Board. The land located in the setback shall be deed-restricted for conservation purposes.

R. Where the proposed trailway adjoins public parkland, a natural greenway buffer at least 10 feet wide shall be provided along its common boundary with the parkland, within which no new structures shall be constructed nor shall any clearing of trees or understory growth be permitted, except as may be necessary for trail construction and maintenance. Where this buffer is unwooded, the Board may require that vegetative screening be planted or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

S. Views of house lots from the trailway shall be minimized using existing vegetation or additional landscaping as deemed appropriate by the Township Board.

T. Unless otherwise agreed to by the Board, the cost and responsibility of maintaining trailway land shall be borne by the trail association/organization/owner.

U. In the event that the trail association/organization/owner established to maintain the trails, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the municipality may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended. The Township shall have the sole discretion as to whether to undertake maintenance and to what extent. The undertaking by the Township of any maintenance responsibilities shall not further obligate the Township to conduct any continuing or additional maintenance.

V. The municipality may take corrective action, including extended trail maintenance. The costs of such corrective action may be charged to the (trail

association/organization/owner) and may include administrative costs and penalties. Such costs shall become a lien on said properties.

§ 550-46. Recreation and open space.

Those lots within the MUMD zone developed in accordance with Article XIII, Mixed-Use Market Zone District, shall provide active and passive recreation areas in accordance with the following requirements:

A. In the selection of the location of such open spaces, consideration shall be given to the preservation of natural features.

B. The designated open space areas used for recreational purposes shall not contain grades that prevent the construction of recreational facilities.

C. The open space should be approximately located so that it is easily accessible to the maximum number of residents of the development. There should be a close visual and physical relationship between the open space and as many dwelling units as is reasonably possible.

D. The configuration of the open space area should be so arranged that the connections can be made to existing or future adjacent open spaces.

E. The developer shall install, as a minimum, the following recreational facilities on the land which has been set aside for recreational purposes. The Planning Board may alter the schedule of active recreation facilities required in order to be appropriate for the residents of the development it serves.

(1) Equivalent facilities may be specified by the Planning Board.

Dwelling Units	Tot Lots	Playgrounds[1]	Tennis Courts[2]	Basketball Courts[2]	Softball/ Baseball Fields[3]
1 to 24	—	1	—	—	—
25 to 50	1	1	—	1	—
51 to 100	1	2	—	1	1
101 to 200	2	3	1	2	2
201 to 300	2	4	1	2	2

NOTES:

[1] Plus one for every 100 additional units.

[2] Plus one for every 300 additional units.

[3] Plus one for every 400 additional units.

(2) All facilities must meet the Americans with Disabilities Act (ADA) requirements for accessibility.

F. Playing fields, playgrounds, and courts shall not be located within 150 feet of abutting properties nor shall such facilities be equipped with lighting. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than 10 parking spaces. The lands located between the recreation facilities and the abutting properties lines shall be dedicated for conservation purposes.

G. All required recreation facilities shall be completed before 51% of the certificates of occupancy are issued for the project, but, in any event, all recreation facilities shall be completed prior to the issuance of certificates of occupancy for units which are immediately contiguous to such recreational facilities.

H. Protection, ownership and maintenance of open space areas to be designated for recreational facilities shall be subject to the provisions of § 550-45U hereinabove and shall be in accordance with §§ 550-106 through 550-108 of this chapter.

§ 550-47. Green infrastructure.

The following green infrastructure treatments shall be incorporated into all street, driveway and site layouts in the Mixed Use Market District (MUMD), within the scenic corridors boundaries, and where feasible or as deemed appropriate by the Planning Board. In all other zone districts, the following shall be optional:

A. Street trees. Trees intercept precipitation and provide several stormwater management benefits: they hold water on the leaves and branches and allow it to evaporate, retaining flow and dissipating the energy of runoff. Generally, large trees with small leaves are the most efficient rainfall interceptors. Trees can also shade impervious area. This provides two direct benefits. First, the hard surface is protected from direct solar exposure, which reduces heat gain. The less heat gain there is in pavement, the less heat is absorbed by stormwater as it flows over the surface. Second, by shading pavement, the trees help reduce or minimize air temperature increases caused by the hot pavement.

(1) Street trees shall be provided and installed by developers, along Township roads, as required by this chapter.

(2) Placement shall be two feet from the face of the curb with sidewalks and eight feet where no sidewalks exist or are proposed.

(3) The planting distance between trees shall be a maximum of 50 feet, except that some flowering trees may be planted a maximum distance of 30 feet apart.

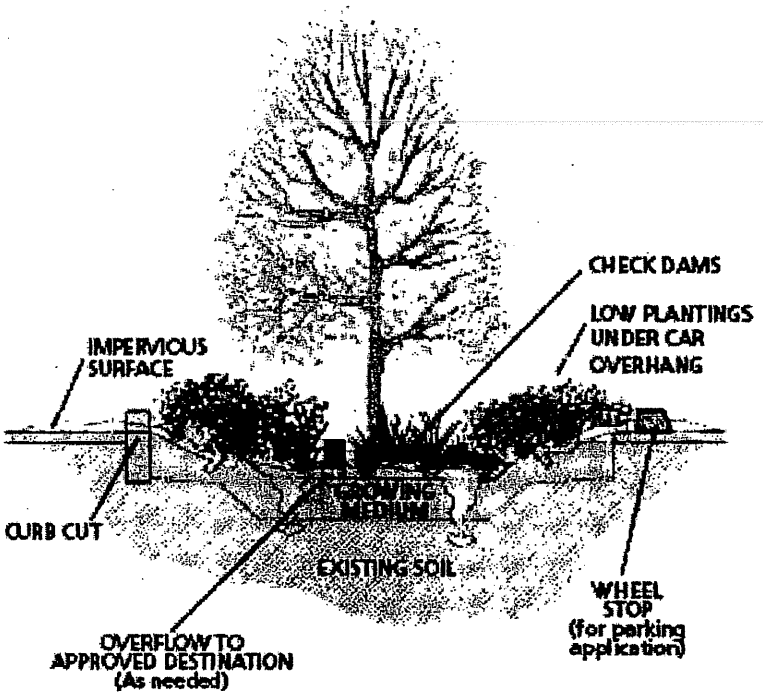
(4) Trees planted in the public right-of-way trees shall be at least two caliper inches for residential zones and 3 1/2 caliper inches for other zones, including commercial areas. For parks and other public areas, the minimum standard is 3 1/2 caliper inches. The caliper shall be measured at one foot above the ground.

(5) The minimum height of the trees shall be 11 feet, except flowering trees, which shall be a height of not less than six feet.

(6) Species of street trees shall be as required by the Township Engineer.

B. Vegetated swales. Swales are typically long, narrow, gently sloping landscaped depressions that collect and convey stormwater runoff. They are planted with dense vegetation that treats stormwater from rooftops, parking lots, and streets. As the stormwater flows along the length of the swale, the vegetation and check dams slow the stormwater down, filter it, and allow it to infiltrate into the ground. Where soils do not drain well, swales can overflow to an approved discharge point such as a drywell or sump. Swales should be integrated into the overall site design and can be used to help fulfill landscape requirements.

Cross-Section: Vegetated Swale



(1) Soil suitability. Existing infiltration rates will determine if the facility can be designed to achieve infiltration, partial infiltration, or allow the stormwater to flow through the facility. If the tested infiltration rate is greater than or equal to two inches per hour, the swale must overflow to a subsurface infiltration facility. If the tested infiltration rate is less than two inches per hour, the swale should be designed as a partial infiltration or flow-through facility, with an overflow to an approved discharge point.

(2) Setbacks. Infiltration swales must be set back five feet from property lines and 10 feet from building foundations. There are no setback requirements for lined flow-through swales.

(3) Dimensions and slopes. The minimum swale width is five feet on private property and eight feet on streets. A two-foot-wide flat bottom width is required where feasible. Swales are nine inches deep measured from the top of the growing medium to the overflow inlet elevation. In all cases, maximum side slopes are three horizontal to one vertical and four horizontal to one vertical is required immediately adjacent to pedestrian areas. Maximum longitudinal slope is 6%. Freeboard for swales must be noted on the plans. Freeboard can be defined as the vertical distance between the design water surface elevation and overtopping elevation or the vertical distance between the top of the check dam and the outside berm or curb elevation, whichever is lower.

(4) Check dams. Check dams are required in swales to allow water to pool and infiltrate into the ground. They shall be constructed of durable, nontoxic materials such as rock, brick, concrete, or soil by integrating these materials into the grading of the swale. Check dams are as long as the width of the swale, perpendicular to flow line. They generally form a twelve-inch wide bench on top and measure four inches to 10 inches high, depending on the depth of the facility.

(5) Gravel drain rock. Drain rock may be required below the growing medium of a swale. For infiltration facilities, where drain rock is specified to retain stormwater prior to infiltration, the specification is 1 1/2-inch – 3/4-inch washed drain rock. Where drain rock is specified primarily for detention and conveyance, the specification is 3/4-inch washed drain rock. For all flow-through facilities, 3/4-inch wash drain rock shall be used. Drain rock and growing medium must be separated by filter fabric, or a two-inch to three-inch layer of 3/4-inch to 1/4-inch washed, crushed rock must be used.

(6) Piping. For private property, piping shall be cast iron, ABS SCH40, or PVC SCH40. Three-inch pipe is required for facilities that drain up to 1,500 square feet of impervious area; otherwise, a four-inch pipe minimum is required. Piping installation must follow current Uniform Plumbing Code. For streets, six-inch or eight-inch ASTM 3034 SDR 35 PVC pipe and perforated pipe are required.

(7) Growing medium. The imported soil shall be a sandy loam mixed with compost or a sand/soil/compost blend. It shall be roughly 1/3 compost by volume, free-draining, and support plant growth. The compost shall be derived from plant material; animal waste is not allowed. In all cases, the growing medium shall be 18 inches deep.

(8) Vegetation. The entire facility area must be planted with vegetation. The facility area is equivalent to the total area of the swale, including bottom and side slopes. Swales should be designed so they do not require mowing. Minimum plant quantities for private property and the public right-of-way are detailed in the following tables:

Private Swale Vegetation

Number of Plants	Vegetation Type	Per Square Feet	Size	Spacing Density (on center)
1	Evergreen tree	200	Minimum height 6 feet	—
		OR		
1	Deciduous tree	200	Minimum caliper 1 1/2 inches at 6 inches above base	—
		AND		
3	Large shrubs	100	3 gallon or equivalent	4 feet
4	Medium to small shrubs	100	1 gallon or equivalent	2 feet
70	Ground cover	100	1 gallon or equivalent	1 feet

Street Swale Vegetation

Number of Plants	Vegetation Type	Per Square Feet	Size (gallon)	Spacing Density (on Center) (feet)
115	Herbaceous plants	100	1	1
		OR		
100	Herbaceous plants	100	1	1
4	Small shrubs	100	1	2

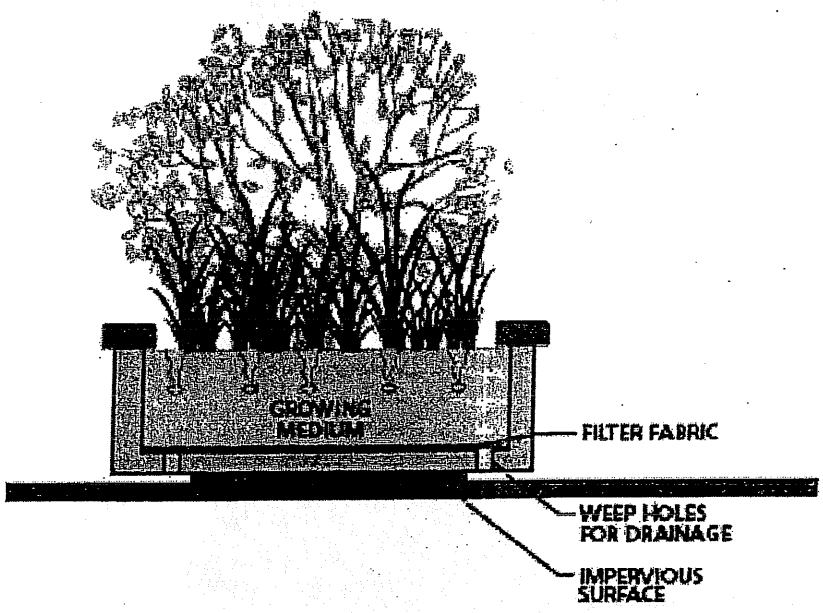
(9) Mulch. Fine to medium hemlock bark or well-aged organic yard debris compost is recommended for swales. It should be placed in the facility only in areas above the high-water line. Care should be given to keeping mulch material out of a stormwater flow path to avoid any material from clogging inlets or outlets or otherwise escaping the facility. It must be weed free and applied two inches to three inches thick to cover all soil between plants. It should not be over-applied.

(10) No vehicular traffic, except that specifically used to construct the facility, should be allowed within 10 feet of infiltration swale areas.

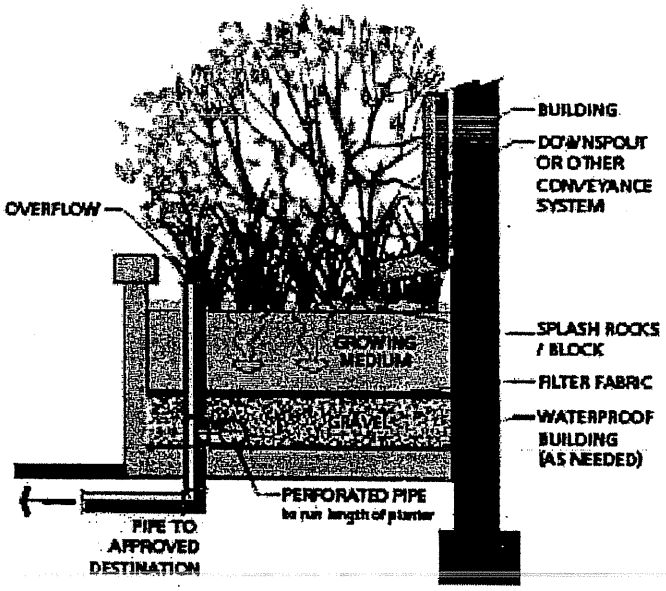
C. Planters. Planters are structural landscaped reservoirs used to collect, filter, and infiltrate stormwater, allowing pollutants to settle and filter out as the water percolates through the vegetation, growing medium, and gravel. Depending on site conditions, planters can be

designed to completely or partially infiltrate the stormwater they receive. They can also be designed as lined flow-through facilities where stormwater is temporarily stored. Excess stormwater collects in a perforated pipe at the bottom of the flow-through planter and drains to an approved discharge point. Planters can be used to help fulfill a site's required landscaping area requirement and should be integrated into the overall site design. Numerous design variations of shape, wall treatment, and planting scheme can be used to fit the character of a site. Because flow-through planters can be constructed immediately next to buildings, they are ideal for sites with setback requirements, poorly draining soils, steep slopes, or other constraints.

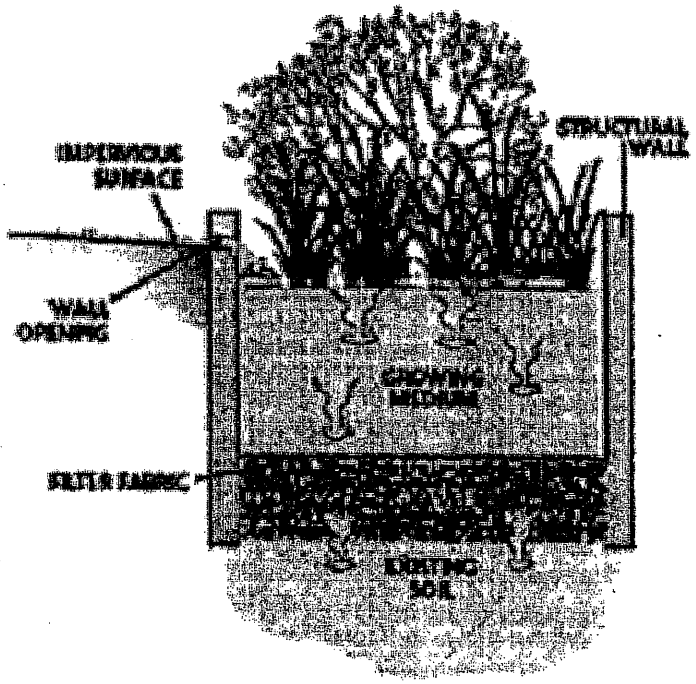
Cross-Section: Contained Planter



Cross-Section: Flow-Through Planter



Cross-Section: Infiltration Planter



(1) Soil suitability. Existing infiltration rates will determine if the facility can be designed to achieve infiltration, partial infiltration, or allow the stormwater to flow through the facility. If the tested infiltration rate is greater than or equal to two inches per hour, the planter must overflow to a subsurface infiltration facility. If the tested infiltration rate is less than two inches per hour, the planter should be designed as a partial infiltration or flow-through facility, with an overflow to an approved discharge point.

(2) Setbacks. Infiltration planters require five-foot setbacks from property lines and ten-foot setbacks from building foundations. No setbacks are required for lined flow-through planters where the height above finished grade is 30 inches or less. Lined flow-through planters can be used next to foundation walls, adjacent to property lines, or on slopes when they include a waterproof lining.

(3) Dimensions and slopes. The minimum infiltration planter width is 30 inches, and the minimum flow-through planter width is 18 inches (measured from inside the planter walls). Facility storage depth must be at least 12 inches (from inlet elevation of overflow to top of growing medium), unless a larger-than required planter area is specified. Planters are flat facilities that shall not slope more than 1/2% in any direction. A minimum of two inches of freeboard (vertical distance between the design water surface elevation and overtopping elevation) shall be provided.

(4) Planter walls. Planter walls shall be made of stone, concrete, brick, or other durable material. Chemically treated wood that can leach out toxic chemicals and contaminated stormwater shall not be used.

(5) Waterproof liners. Flow-through facilities require a waterproof liner. There are many liner options, and installation varies. Liner shall be minimum 30 mil PVC or equivalent.

(6) Gravel drain rock. Drain rock may be required below the growing medium of a planter. For infiltration facilities, where drain rock is specified to retain stormwater prior to infiltration, the specification is 1 1/2 inch – 3/4-inch washed drain rock. Where drain rock is specified primarily for detention and conveyance, the specification is 3/4-inch washed drain rock. For all flow-through facilities, 3/4-inch wash drain rock shall be used. Drain rock and growing medium must be separated by filter fabric or use a two-inch to three-inch layer of 3/4-inch to 1/4-inch washed, crushed rock.

(7) Piping. For private property, piping shall be cast iron, ABS SCH40, or PVC SCH40. Three-inch pipe is required for facilities draining up to 1,500 square feet of impervious area; otherwise, a four-inch pipe minimum is required. Piping installation must follow current Uniform Plumbing Code. For streets, six-inch or eight-inch ASTM 3034 SDR 35 PVC pipe and perforated pipe are required.

(8) Growing medium. The imported soil shall be a sandy loam mixed with compost or a sand/soil/compost blend. It shall be roughly 1/3 compost by volume, free-draining, and support plant growth. The compost shall be derived from plant

material; animal waste is not allowed. In all cases, the growing medium shall be 18 inches deep.

(9) Vegetation. The entire facility area must be planted with vegetation. The facility area is equivalent to the total area of the planter. Minimum plant quantities for private and public property are detailed in the following table:

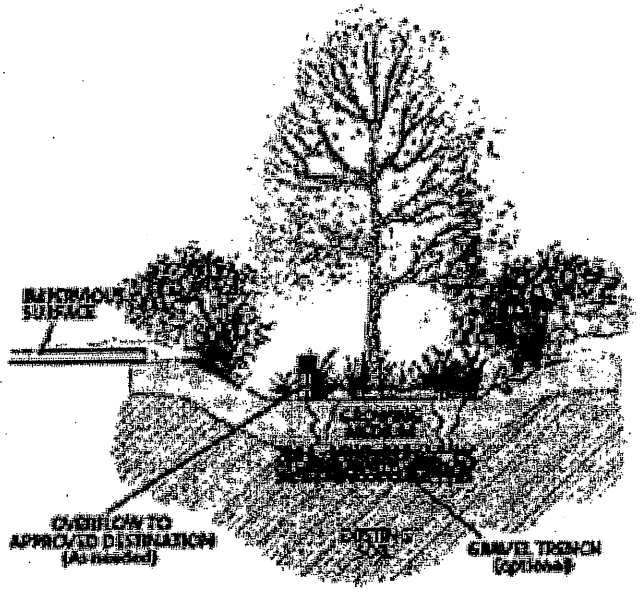
Planter Vegetation

Number of Plants	Vegetation Type	Per Square Feet	Size (gallon)	Spacing Density (on center) (feet)
115	Herbaceous plants	100	1	1
		OR		
100	Herbaceous plants	100	1	1
4	Small shrubs	100	1	2

NOTE: Tree planting is not required in planters, but is encouraged where practical. Tree planting is also encouraged near planters.

D. Rain gardens/basins. Vegetated infiltration basins are flat-bottomed, shallow landscaped depressions used to collect and hold stormwater runoff, allowing pollutants to settle and filter out as the water infiltrates into the ground. They are either excavated or created with bermed side slopes. An inlet pipe or sheet flow over impervious area conveys the stormwater into the basin, where it is temporarily stored until it infiltrates into the ground. Basins often provide complete on-site infiltration for small storm events. They can be sized to infiltrate large storms in areas where soils drain well or overflow to an approved discharge point. Basins can have a formal or informal design that can be used to help fulfill a site's landscape requirements.

Cross-Section: Rain Garden/Basin



(1) Site suitability. Existing infiltration rates will determine if the facility can be designed to achieve infiltration, partial infiltration, or allow the stormwater to flow through the facility. If the tested infiltration rate is greater than or equal to two inches per hour, the basin must overflow to a subsurface infiltration facility. If the tested infiltration rate is less than two inches per hour, the basin should be designed as a partial infiltration or flow-through facility, with an overflow to an approved discharge point.

(2) Setbacks. The required setback is five feet from property lines and 10 feet from building foundations. Infiltration basins shall meet the following setback requirements from downstream slopes, minimum of 100 feet from slopes of 10%; add five feet of setback for each additional percent of slope up to 30%; infiltration basins shall not be used where slopes exceed 30%. There are no setback requirements for lined flow-through basins.

(3) Dimensions and slopes. The facility storage depth is 12 inches from the top of the growing medium to the overflow inlet elevation. Maximum side slopes are three horizontal to one vertical. Minimum bottom width is two feet. A minimum of two inches of freeboard (vertical distance between the design water surface elevation and overtopping elevation) shall be provided.

(4) Gravel drain rock. Drain rock may be required below the growing medium of a basin. For infiltration facilities, where drain rock is specified to retain stormwater prior to infiltration, the specification is 1 1/2-inch – 3/4-inch washed drain rock. Where drain rock is specified primarily for detention and conveyance, the specification is 3/4-inch washed drain rock. For all flow-through facilities, 3/4-inch wash drain rock shall be used. Drain rock and growing medium must be separated

by filter fabric or use a two-inch to three-inch layer of 3/4-inch to 1/4-inch washed, crushed rock.

(5) Piping. For private property, piping shall be cast iron, ABS SCH40, or PVC SCH40. Three-inch pipe is required for facilities draining up to 1,500 square feet of impervious area; otherwise, a four-inch pipe minimum is required. Piping installation must follow current Uniform Plumbing Code. For streets, six-inch or eight-inch ASTM 3034 SDR 35 PVC pipe and perforated pipe are required.

(6) Growing medium. The imported soil shall be a sandy loam mixed with compost or a sand/soil/compost blend. It shall be roughly 1/3 compost by volume, free-draining, and support plant growth. The compost shall be derived from plant material; animal waste is not allowed. In all cases, the growing medium shall be 18 inches deep.

(7) Vegetation. The entire facility area must be planted with vegetation. The facility area is equivalent to the total area of the basin, including bottom and side slopes, plus a ten-foot buffer around the basin. Minimum plant quantities are detailed in the following table:

Basin Vegetation

Number of Plants	Vegetation Type	Per Square Feet	Size	Spacing Density (on center) (feet)
1	Evergreen tree	300	Minimum height 6 feet	—
		OR		
1	Deciduous tree	300	Minimum caliper 1 1/2 inches at 6 inches above base	—
		AND		
4	Large shrubs	100	3 gallon or equivalent	4 feet
6	Medium to small shrubs	100	1 gallon or equivalent	2 feet
70	Ground cover	100	1 gallon or equivalent	1 feet

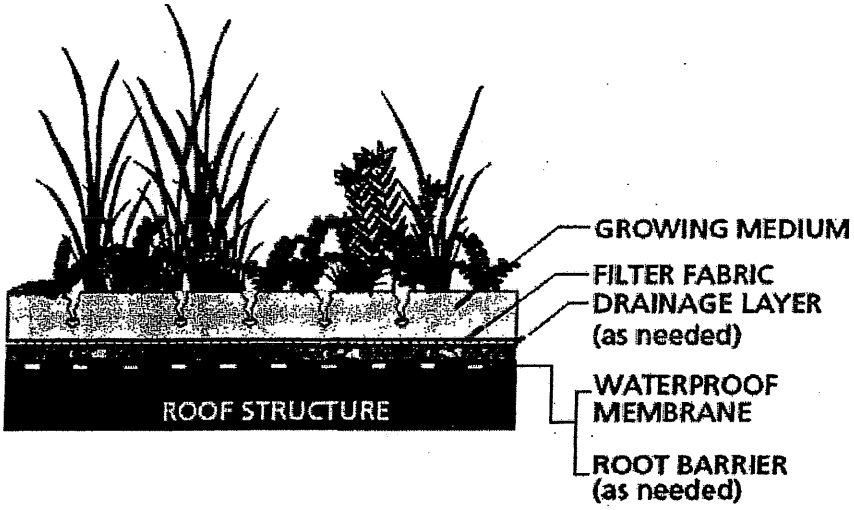
(8) Mulch. Fine to medium hemlock bark or well-aged organic yard debris compost is recommended for basins. It should be placed in the facility only in areas above the high-water line. Care should be given to keeping mulch material out of a stormwater flow path to avoid any material from clogging inlets or outlets or

otherwise escaping the facility. It must be weed free and applied two inches to three inches thick to cover all soil between plants. It should not be over-applied.

(9) No vehicular traffic, except that specifically used to construct the facility, should be allowed within 10 feet of infiltration basin areas.

E. Ecoroofs. An ecoroof is a lightweight vegetated roof system consisting of waterproofing material, growing medium, and specially selected plants. An ecoroof can be used in place of a traditional roof as a way to limit impervious site area and manage stormwater runoff. Ecoroofs reduce postdeveloped peak runoff rates to near predeveloped rates and reduce annual runoff volume by at least 50%. Ecoroofs also help mitigate runoff temperatures by keeping roofs cool and retaining most of the runoff in dry seasons. Although ecoroofs consist of lightweight growing medium and low-growing succulent vegetation, other more heavily planted systems are possible; in either case, the design must be self-sustaining.

Cross-Section: Ecoroof



(1) Structural support. The structural roof support must be sufficient to hold the additional weight of the ecoroof. Generally, the building structure must be adequate to hold an additional 15 pounds to 30 pounds per square foot (psf) saturated weight, including the vegetation and growing medium that will be used (in addition to snow load requirements). An existing rock ballast roof may be structurally sufficient to hold a 10 psf to 20 psf ecoroof (if the ballast is removed). Notwithstanding the above provisions, the roof structure and any ecoroof additions must meet all applicable building codes.

(2) Sizing. Ecoroofs shall replace impervious area at a 1:1 ratio. They are not allowed to receive water from other impervious areas.

(3) Slope. The maximum roof slope shall be 25%, unless the applicant provides documentation of runoff control on steeper slopes.

(4) Waterproofing. A good-quality waterproofing material, such as modified asphalt, synthetic rubber, or reinforced thermal plastics, shall be used on the roof surface.

(5) Root barrier. If a root barrier is used in addition waterproofing material, it must extend under any gravel ballast and the growing medium and up the side of any vertical elements. Root barriers impregnated with pesticides, metals, or other chemicals that may leach into stormwater are not permitted, unless the applicant can provide documentation that leaching does not occur.

(6) Drainage. A method of drainage must be provided, although a manufactured product is not required. The drainage layer may include fabric, gravel, or be the growing medium itself. An approved discharge location must be identified for every ecoroof and drain provided.

(7) Growing medium. A minimum of four inches of growing medium is required, composed of roughly 70% porous material, 20% organic material (i.e., aged compost), and 10% digested fiber or other mix approved by the Construction Official. Ecoroofs with more than six inches of growing medium are acceptable, provided they meet all other requirements.

(8) Vegetation and coverage. Drought-tolerant plants must achieve 90% coverage within two years. At least 50% of the ecoroof must be composed of evergreen species. A maximum of 10% of the ecoroof may be composed of nonvegetated components such as gravel ballast, pavers for maintenance access, etc. Mechanical units may protrude through the ecoroof, but are not considered elements of the ecoroof. Ecoroof vegetation should be:

(a) Drought-tolerant, requiring little or no irrigation after establishment;

(b) Self-sustaining, without the need for fertilizers, pesticides, or herbicides;

(c) Able to withstand heat, cold, and high winds;

(d) Very low-maintenance, needing little or no mowing or trimming;

(e) Perennial or self-sowing;

(f) Fire-resistant; and

(g) Noninvasive alien plant and tree species (as specified by the Plant Conservation Alliance Working Group).

(9) Mulch. A method to protect exposed soil from erosion must be provided, such as gravel mulch.

(10) Maintenance. Only non-chemical fertilizers may be used. Pesticides and herbicides of any kind are prohibited on ecoroofs. During the establishment period (up to three years), irrigation shall not exceed 1/2 inch of water every 10 days, regardless

of water source. Post-establishment irrigation shall not exceed 1/4 inch of water every 14 days (May through October), regardless of water source.

§ 550-48. MUMD Zone building and streetscape standards.

To provide a pleasant and diverse experience for pedestrians and to encourage a high level of street-level activity within the Mixed-Use Market District (MUMD) Zone, all new development and redevelopment projects located therein shall be subject to the building and streetscape design standards set forth herein.

A. Building facade wall area.

(1) The exterior of every improvement constructed on a lot with an area equal to or greater than 5,000 square feet, shall be composed of not less than 30% masonry material facing.

(2) The exterior of the first level of every improvement erected on a lot with area of equal to or greater than 5,000 square feel shall be composed of not less than 60% of masonry material facing, excluding the windows and entrance area.

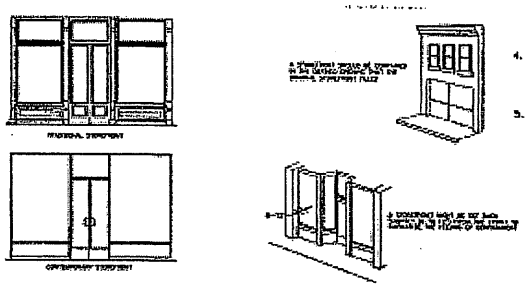
(3) For each primary building frontage, at least 30% of the area between three and 10 feet in height shall be clear/non-tinted window glass permitting a view of the buildings' interior.

(4) All related piping, ducting, electrical and mechanical utilities, downspouts, utility receptacles, and service boxes shall be painted to match predominate color of building, designed to be compatible with the architectural treatment of the principal structure.

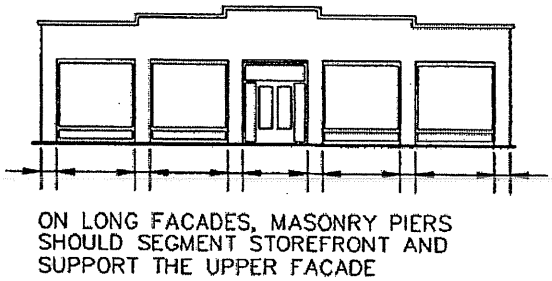
(5) Exterior building materials shall be classified as either primary, secondary or accent materials. Primary materials shall cover at least 60% of the facade of a building. Secondary materials shall cover no more than 30% of the facade. Accent materials may include door and window frames, lintels, cornices, and other elements and may cover no more than 10%.

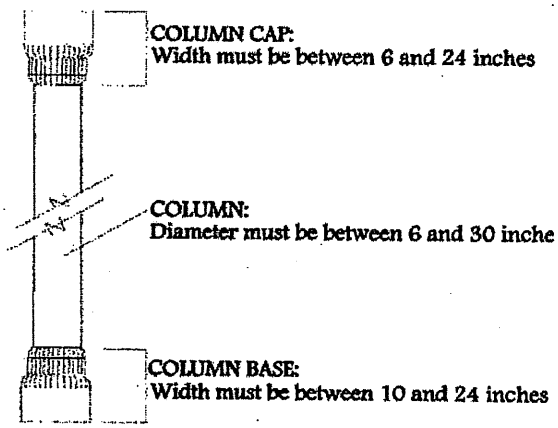
(6) At a minimum, the architectural details of the facade improvements shall wrap around walls to the extent that they are visible from public right-of-way.

(7) At the street level, there shall be a maximum facade length without windows of 10 feet.



B. Columns and piers.





(1) A building that exceeds 30 feet in width shall include vertical piers, columns or other vertical visual elements that break up the plane of the building frontage. The vertical elements shall be spaced at equal intervals. Vertical visual elements can include articulations in the facade itself such as insets or projections.

(2) Column diameter must be between six inches and 30 inches.

(3) Column base height must be between 10 inches and 24 inches.

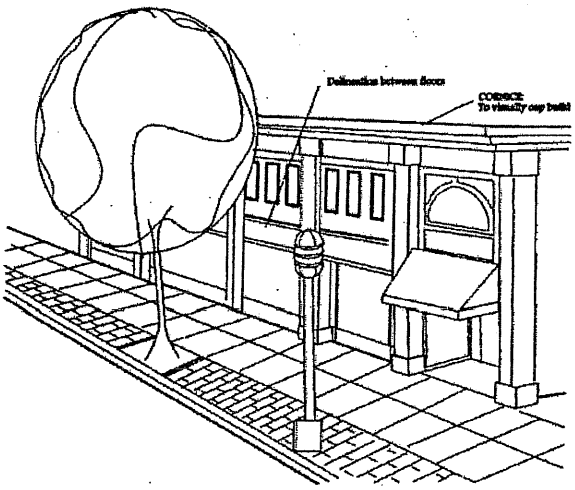
(4) Column cap height must be between six inches and 24 inches.

C. Cornice and fascia.

(1) Each facade must be designed to have a delineated floor line between the street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel, or a cornice line delineated by wood detailing.

(2) The top of the building must be capped by a cornice or sloping roof element.

(3) The following diagram details that the typical location and design of these elements.



D. Windows.

(1) All street-fronting ground level developments shall have windows that are clear and not tinted, mirrored, or painted.

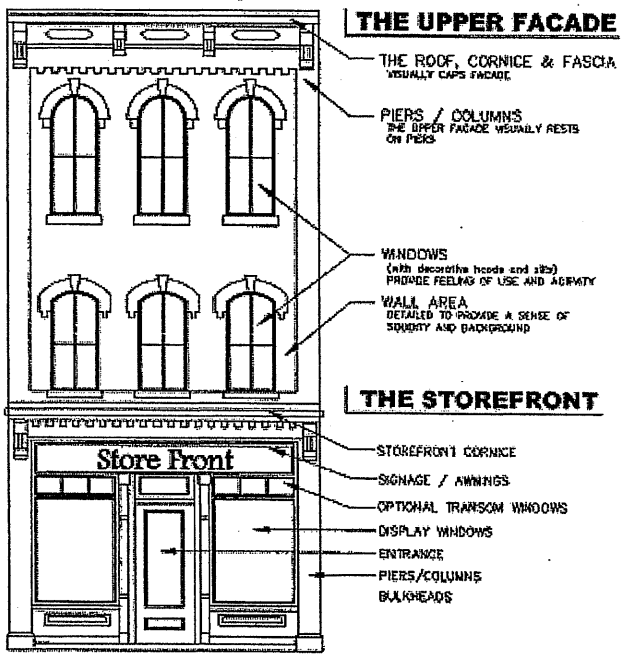
(2) Display windows must be positioned within a maximum of three feet above the grade of the sidewalk and a maximum height of eight feet.

(3) The windows on the upper levels must have the appropriate sill or lentil to accent the openings and provide architectural interest.

(4) Bulkheads should have a maximum height of three feet.

(5) Window displays and signage not attached to the structure of the window itself can not occupy more than 20% of the window area.

(6) Window displays located within 36 inches of the window can not occupy more than 70% of the window area.

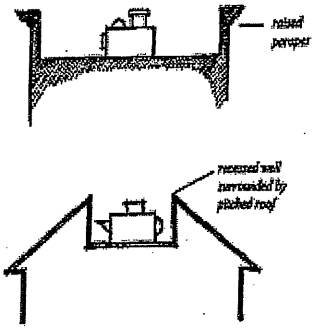


E. Roofs.

(1) All roof-mounted equipment shall be screened from public view by the use of a parapet wall or other architectural detail. Fencing shall not be utilized to screen rooftop equipment.

(2) Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shakes, copper or factory-finished sheet metal.

(3) All buildings with flat roofs shall include a parapet articulation on the front facade of the building. The articulation should be provided through a cornice design.



F. Pedestrian circulation.

(1) Pedestrian walkways provided shall provide weather protection features such as awnings, or arcades within 10 feet of all primary customer entrances.

(2) Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalks, rights-of-way, or private drives to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials.

(3) Sidewalks, not less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any building facade abutting public parking areas. Not less than 1/2 of all such sidewalks shall be located at least six feet from the building facade to provide adequate areas for planting and foundation landscaping.

(4) All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. (See Figures 5A through 5D at the end of this chapter for sidewalk pavement detail options. If one of these four design options has already been utilized in a development, the applicant shall continue to utilize the design option already constructed throughout the development.)

G. Lighting.

(1) All lights shall utilize color-corrected lamps (i.e., no high-pressure sodium lights).

(2) Wall-mounted lights shall not be located higher than the three feet above the first floor.

(3) Freestanding outdoor lights shall be decorative fixtures not exceeding 12 feet in height for areas devoted to pedestrian circulation and not exceeding 20 feet in height for those areas devoted to vehicular circulation. (See Figure 6 at the end of this chapter.)

(4) No spotlight or bare bulb lights are permitted. All light sources must be shielded from view.

(5) The lighting levels shall comply with IES Lighting Handbook standards.

(6) No lighting shall be permitted on the roof of a building.

(7) Lighting should be directed towards the storefront.

ARTICLE VII
AR Agricultural Residential Zone

§ 550-49. Permitted uses.

Permitted principal uses in the AR Zone shall be as follows:

A. Agricultural uses and farms, subject to § 550-53.

B. Detached single-family residential dwellings.

C. Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the standards for detached single-family residential dwellings.

§ 550-50. Conditional uses.

Permitted conditional uses in the AR Zone shall be as follows:

A. All public or institutional uses, subject to the following conditions:

(1) The lot shall contain an area of at least five acres. In the event that it can be demonstrated that the proposed project can meet all of the other criteria necessary for the issuance of a permit on a lot containing less than five acres in area, the Board may reduce the minimum lot size required.

(2) All buildings and structures to be erected on the tract shall be so designed and arranged in order to minimize the impact of the use on the established neighborhood scheme and shall be so designed as to harmonize, as far as possible, with the established architectural scheme of the neighborhood.

(3) Adequate provisions shall be made to provide a suitable buffer to provide a barrier to light and sound between the use sought to be established and abutting properties.

B. Public utility uses, subject to the following conditions:

(1) The lot shall contain the minimum lot area required in accordance with the zone district, except that the Board may, for good cause shown, reduce the lot area requirement, but in no event, to less than one acre in size.

(2) All buildings shall be so designed as to conform and harmonize with the general character of the area in which it is located and will not adversely affect the safe and comfortable enjoyment of properties in the zone.

(3) All structures shall be designed so as to be as unobtrusive as feasible and to blend in with the surroundings on the site.

(4) Adequate fencing shall be provided, in accordance with the recommendations of the Board, in order to provide protection to the public.

(5) Adequate parking shall be required, as determined by the Board when considering the proposed use.

C. Bed-and-breakfast inns, subject to the following conditions:

(1) The lot shall contain an area of at least four acres.

(2) Bed-and-breakfast inns shall only be permitted in existing owner-occupied dwellings containing four or more bedrooms. No exterior expansion of the existing dwelling shall be permitted in order to create or enlarge the bed-and-breakfast inn. Interior and exterior modifications which do not increase either the gross floor area of the principal structure or the number of bedrooms it contains are permitted, provided that any exterior modifications shall not diminish the residential appearance of the structure.

(3) No guest rooms shall be permitted in other than the principal building.

(4) If interior modifications to the principal building include the addition of bathrooms, Board of Health approval of the adequacy of the septic system shall be required.

(5) The required number of parking spaces shall be calculated as follows: a minimum of one parking space shall be provided for each available guest room in addition to the parking spaces required for the owner(s) of the dwelling. Outdoor parking areas shall be suitably screened from neighboring residences and the street and shall be located in side or rear yards only.

(6) Not more than one non-household member at a time shall be employed in conjunction with the bed-and-breakfast inn use.

(7) Signage shall be permitted as per § 550-135G, which sign may be either freestanding or building-mounted.

(8) Occupancy of the bed-and-breakfast inn shall be by advance reservation only, and no guest shall be permitted to remain longer than 30 days nor more than 30 days out of any period of 60 successive days.

(9) No more than two persons shall be permitted per guest room.

(10) Breakfast shall only be served to guests of the bed-and-breakfast inn and not to the general public. No meals other than breakfast shall be provided and no alcohol shall be served to guests of the bed-and-breakfast inn.

(11) No cooking or smoking shall be permitted in guest rooms.

(12) At least 300 square feet of common area, including but not limited to parlors, dining rooms, libraries and solariums, shall be available for the exclusive use of the guests of the bed-and-breakfast inn.

(13) Smoke detectors and fire extinguishers shall be installed as recommended by the Construction Official.

(14) Site lighting shall be as approved by the Planning Board.

D. The boarding, training or selling, including reselling, of domestic animals, subject to the following conditions:

(1) The minimum lot area required shall be determined on the basis of the number of animals to be kept on the site, at a ratio of one acre per each animal to be kept. Recognizing that it is conceivable that the application of such a straight line ratio may result in a minimum required area in excess of that actually required for the intended use, the Board may, for good cause shown, reduce the effect of calculating lot size in applying the 1:1 ratio on a straight-line basis. However, in neither case shall the lot area be less than five acres.

(2) Adequate provisions shall be made to provide a suitable buffer to provide a barrier to light and sound between the use sought to be established and abutting properties.

(3) Adequate provisions shall be made for the location of manure and other animal wastes and the storage of such materials shall not be closer than 100 feet to any property line.

(4) Suitable fencing shall be provided in order to contain animals kept on the site, in accordance with the requirements of the Board.

(5) The required number of parking spaces shall be calculated as follows: a minimum of six parking spaces, plus one for each employee not residing on the premises. There shall be one additional parking space for every two animals in excess of 12 animals being kept on the premises, unless it can be demonstrated to the satisfaction of the Board that no additional parking spaces are required.

E. Veterinary hospitals, subject to the following conditions:

(1) The lot shall contain an area of at least four acres.

(2) The minimum distance of any outside kennels, pens or other enclosures for animals (other than livestock), shall be 100 feet from any property line.

(3) Adequate provisions shall be made to provide a suitable buffer to provide a barrier to light and sound between the use sought to be established and abutting properties.

(4) The required number of parking spaces shall be calculated as per § 550-124A.

(5) Signage shall be permitted as per § 550-135G, which sign may be either freestanding or building-mounted.

F. Agricultural retail businesses, subject to the following conditions:

(1) The lot shall contain an area of at least 12 acres.

(2) Agricultural retail businesses must be operated in association with an existing commercial farm located on the same property, or multiple adjoining properties under the same ownership.

(3) At least 51% of the annual gross sales of the business shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm.

(4) No single building used in conjunction with the business shall exceed 50,000 square feet in gross size. No combination of multiple buildings on a single site used in conjunction with the business shall exceed 200,000 square feet. Buildings used in conjunction with the business may not consist of more than 5% of the entire site.

(5) All structures used in conjunction with the business shall be designed and constructed to be visually compatible with the single-family residences and barns in Fredon's agricultural districts.

(6) Adequate provisions shall be made to provide a suitable buffer to provide a barrier to light and sound between the parking and storage areas for the business and abutting properties.

(7) No outdoor storage areas of any kind related to the business shall be permitted. This shall include materials, equipment, parts, supplies, waste (except in approved waste containers), and similar items. Approved waste containers shall be located in the rear of the building and be completely screened from public view.

(8) For any permanent structure devoted to a retail use, the required number of parking spaces shall be calculated in accordance with the standard for retail stores as per § 550-124A.

(9) The parking area shall be designed and constructed of a seasonally appropriate material to be approved by the Township Engineer.

(10) Signage shall be permitted as per § 550-135A.

(11) Associated small-scale facilities (i.e., tasting rooms, restaurants, etc.) and special events which may enhance the overall property in relation to tourism may be permitted on a case-by-case basis by the Planning Board and are also subject to the conditions set forth above.

§ 550-51. Accessory uses.

Permitted accessory uses in the AR Zone shall be as follows:

A. Roomers and/or boarders limited to two in the aggregate per family dwelling unit, but only if such dwelling unit is occupied by the owner of the same.

B. Home occupation or office of professional persons, provided such professional person resides on the premises. Not more than two persons, other than the resident of the premises, may be employed by such professional person and not more than 1/2 of the floor area of one story or the basement of the principal structure shall be devoted to such use or, if conducted in an accessory building, the area of such use shall be limited to not more than 1/2 of the floor area of the principal structure. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of such use visible from the exterior of the building so used.

C. Horses and/or ponies for riding purposes in connection with a single-family residential use where such use is the principal use of the property, and the horse and/or pony is owned by a member of the family occupying such single-family dwelling unit. The following ratio of the number of horses and/or ponies per acre of land shall be met: for the first horse and/or pony, at least three acres; for each additional horse and/or pony, one acre. The keeping of such animals shall be subject to and in accordance with the provisions of Chapter 126, Animals, Article II, Large Animals. In the event a conflict exists between the terms of the foregoing and the provisions of Chapter 126, Article II, the more restrictive provision shall prevail.

D. Windmills in accordance with the provisions of § 550-40.

E. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant

of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

F. Outdoor furnaces in accordance with the provisions of § 550-42.

G. Commercial vehicles in accordance with the provisions of § 550-128. Such provisions shall not apply to vehicles kept on a farm and used in the pursuit of agriculture.

H. Other accessory buildings or uses customarily incidental to the main permitted use in the zone.

§ 550-52. Area, yard and bulk requirements.

The following requirements shall be met for all lots within the AR Zone:

A. Lot area. The minimum lot area for each lot shall be 14 acres; provided, however, that the Planning Board may require development in accordance with Article XVIII, Cluster Subdivisions. In order to determine whether a cluster subdivision is warranted, all applications for development in the AR Zone shall undergo the four-step design process outlined in § 550-101C.

B. Lot width. The minimum lot width at both the street line and the building setback line shall be 250 feet and each lot shall be of such dimension that, at all points within 600 feet of the front street right-of-way line, a circle can be inscribed having a minimum diameter of 250 feet. In the case of flag lots, the required lot width shall be as set forth in § 550-32D.

C. Height. The height of the principal structure shall not exceed 35 feet or 2 1/2 stories, whichever is lesser.

D. Front yard. The minimum front yard setback shall be 100 feet.

E. Side yards. There shall be two side yards totaling 120 feet, provided that no side yard shall be less than 50 feet. Any existing lot or lots which are in single ownership at the time of enactment of this chapter and are less than the minimum width at the building setback line, may reduce the side yard requirements at a ratio of one foot for each five feet of lot width less than that required; providing, however, that no side yard shall be less than 20 feet.

F. Rear yard. The minimum rear yard setback shall be 100 feet.

G. Residential buffer zone. New residential uses, other than those established on the same lot used for agricultural purposes, shall have a minimum setback of 100 feet from all side and rear lot lines shared with agricultural land. The Planning Board may require that this buffer area be increased to as much as 300 feet and planted with trees where the proposed dwelling adjoins any existing intensive livestock, agricultural processing, or manure disposal operation.

H. Impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 20% of the total lot area.

§ 550-53. Requirements for agricultural uses.

Agricultural uses and farms in the AR Zone shall be subject to the following additional requirements:

A. Residential dwelling. A single-family residential use may be established on the same lot used for agricultural purposes as set forth above. The single-family residential dwelling shall be subject to the area, yard and bulk requirements set forth in § 550-52 above.

B. Animals. Any animals, other than conventional household pets, kept on the premises shall be in connection with the pursuit of agriculture. This shall not include the keeping of domestic animals for boarding, training, sale and resale, where such activities are not in connection with the pursuit of agriculture. However, boarding, training, sale and resale of cattle, horses and ponies, and other farm animals shall be permitted as a conditional

use in accordance with § 550-50D. Any animal other than cattle, horses and ponies shall be kept at a distance of at least 100 feet from any property line. The following ratios of animals per acre of land shall be met: cattle, horses and ponies, 1:1; swine, sheep and goats, 5:1; poultry, no ratio. The above provisions shall not be construed to permit commercial piggeries, fur farms and/or animal processing facilities. The keeping of such animals shall be subject to and in accordance with the provisions of Chapter 126, Articles I and II. In the event a conflict evicts between the terms of the foregoing and the provisions of Chapter 126, Articles I and II, the more restrictive provision shall prevail.

ARTICLE VIII
RA Residential Agricultural Zone

§ 550-54. Permitted uses.

Permitted principal uses in the RA Zone shall be as follows:

A. Agricultural uses and farms, subject to § 550-58.

B. Detached single-family residential dwellings.

C. Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the standards for detached single-family residential dwellings.

§ 550-55. Conditional uses.

Permitted conditional uses in the RA Zone shall be the same as those permitted in the AR Zone, as listed in § 550-50, and shall be subject to the same conditions as set forth therein.

§ 550-56. Accessory uses.

Permitted accessory uses in the RA Zone shall be as follows:

A. Roomers and/or boarders limited to two in the aggregate per family dwelling unit, but only if such dwelling unit is occupied by the owner of the same.

B. Home occupation or office of professional persons, provided such professional person resides on the premises. Not more than two persons, other than the resident of the premises, may be employed by such professional person and not more than 1/2 of the floor area of one story or the basement of the principal structure shall be devoted to such use or, if conducted in an accessory building, the area of such use shall be limited to not more than 1/2 of the floor area of the principal structure. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of such use visible from the exterior of the building so used.

C. Horses and/or ponies for riding purposes in connection with a single-family residential use where such use is the principal use of the property, and the horse and/or pony is owned by a member of the family occupying such single-family dwelling unit. The

following ratio of the number of horses and/or ponies per acre of land shall be met: for the first horse and/or pony, at least three acres; for each additional horse and/or pony, one acre. The keeping of such animals shall be subject to and in accordance with the provisions of Chapter 126, Animals, Article II, Large Animals. In the event a conflict exists between the terms of the foregoing and the provisions of Chapter 126, Article II, the more restrictive provision shall prevail.

D. Windmills in accordance with the provisions of § 550-40.

E. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

F. Outdoor furnaces in accordance with the provisions of § 550-42.

G. Commercial vehicles in accordance with the provisions of § 550-128. Such provisions shall not apply to vehicles kept on a farm and used in the pursuit of agriculture.

H. Other accessory buildings or uses customarily incidental to the main permitted use in the zone.

§ 550-57. Area, yard and bulk requirements.

The following requirements shall be met for all lots within the RA Zone:

A. Lot area. The minimum lot area for each lot shall be 14 acres; provided, however, that the Planning Board may require development in accordance with Article XVIII, Cluster Subdivisions. In order to determine whether a cluster subdivision is warranted, all applications for development in the RA Zone shall undergo the four-step design process outlined in § 550-101C.

B. Lot width. The minimum lot width at both the street line and the building setback line shall be 250 feet and each lot shall be of such dimension that, at all points within 600 feet of the front street right-of-way line, a circle can be inscribed having a minimum diameter of 250 feet. In the case of flag lots, the required lot width shall be as set forth in § 550-32D.

C. Height. The height of the principal structure shall not exceed 35 feet or 2 1/2 stories, whichever is lesser.

D. Front yard. The minimum front yard setback shall be 100 feet.

E. Side yards. There shall be two side yards totaling 120 feet, provided that no side yard shall be less than 50 feet. Any existing lot or lots which are in single ownership at the time of enactment of this chapter, and are less than the minimum width at the building setback line, may reduce the side yard requirements at a ratio of one foot for each five feet of lot width less than that required; providing, however, that no side yard shall be less than 20 feet.

F. Rear yard. The minimum rear yard setback shall be 100 feet.

G. Residential buffer zone. New residential uses, other than those established on the same lot used for agricultural purposes, shall have a minimum setback of 100 feet from all side and rear lot lines shared with agricultural land. The Planning Board may require that this buffer area be increased to as much as 300 feet and planted with trees where the proposed dwelling adjoins any existing intensive livestock, agricultural processing, or manure disposal operation.

H. Impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 20% of the total lot area.

§ 550-58. Requirements for agricultural uses.

Requirements for agricultural uses in the RA Zone shall be the same as those permitted in the AR Zone, as listed in § 550-53, and shall be subject to the same conditions as set forth therein.

ARTICLE IX
R-6 Residential Zone

§ 550-59. Permitted uses.

Permitted principal uses in the R-6 Zone shall be as follows:

A. Detached single-family residential dwellings.

B. Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the standards for detached single-family residential dwellings.

§ 550-60. Conditional uses.

Permitted conditional uses in the R-6 Zone shall be those set forth in § 550-50A through D, and shall be subject to the same conditions as set forth therein.

§ 550-61. Accessory uses.

Permitted accessory uses in the R-6 Zone shall be as follows:

A. Roomers and/or boarders limited to two in the aggregate per family dwelling unit, but only if such dwelling unit is occupied by the owner of the same.

B. Home occupation or office of professional persons, provided such professional person resides on the premises. Not more than two persons, other than the resident of the premises, may be employed by such professional person and not more than 1/2 of the floor area of one story or the basement of the principal structure shall be devoted to such use or, if conducted in an accessory building, the area of such use shall be limited to not more than 1/2 of the floor area of the principal structure. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of such use visible from the exterior of the building so used.

C. Horses and/or ponies for riding purposes in connection with a single-family residential use where such use is the principal use of the property, and the horse and/or pony is owned by a member of the family occupying such single-family dwelling unit. The following ratio of the number of horses and/or ponies per acre of land shall be met: for the first horse and/or pony, at least three acres; for each additional horse and/or pony, one acre. The keeping of such animals shall be subject to and in accordance with the provisions of Chapter 126, Article II, Large Animals. In the event a conflict exists between the terms of the foregoing and the provisions of Chapter 126, Article II, the more restrictive provision shall prevail.

D. Windmills in accordance with the provisions of § 550-40.

E. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is

impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

F. Outdoor furnaces in accordance with the provisions of § 550-42.

G. Other accessory buildings or uses customarily incidental to the main permitted use in the zone.

§ 550-62. Area, yard and bulk requirements.

The following requirements shall be met for all lots within the R-6 Zone:

A. Lot area. The minimum lot area for each lot shall be six acres; provided, however, that the Planning Board may require development in accordance with Article XVIII, Cluster Subdivisions. In order to determine whether a cluster subdivision is warranted, all applications for development in the R-6 Zone shall undergo the four-step design process outlined in § 550-101C.

B. Lot width. The minimum lot width at both the street line and the building setback line shall be 250 feet and each lot shall be of such dimension that, at all points within 600 feet of the front street right-of-way line, a circle can be inscribed having a minimum diameter of 250 feet. Where a lot is on a curve at the end of a pavement cul-de-sac, the minimum lot width shall be 55 feet measured along the subtended chord of the arc at the street line and the minimum lot width at the building setback line shall be 155 feet.

C. Height. The height of the principal structure shall not exceed 35 feet or 2 1/2 stories, whichever is lesser.

D. Front yard. The minimum front yard setback shall be 100 feet.

E. Side yards. There shall be two side yards totaling 120 feet, provided that no side yard shall be less than 50 feet. Any existing lot or lots which are in single ownership at the time of enactment of this chapter, and are less than the minimum width at the building

setback line, may reduce the side yard requirements at a ratio of one foot for each five feet of lot width less than that required; providing, however, that no side yard shall be less than 20 feet.

F. Rear yard. The minimum rear yard setback shall be 75 feet.

G. Residential buffer zone. New residential uses shall have a minimum setback of 100 feet from all side and rear lot lines shared with agricultural land. The Planning Board may require that this buffer area be increased to as much as 300 feet and planted with trees where the proposed dwelling adjoins any existing intensive livestock, agricultural processing, or manure disposal operation. Applicants seeking to expand an existing residential dwelling unit which would be in violation of this requirement shall be exempt.

H. Impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 20% of the total lot area.

ARTICLE X
R-4 Residential Zone

§ 550-63. Permitted uses.

Permitted principal uses in the R-4 Zone shall be as follows:

A. Detached single-family residential dwellings.

B. Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the standards for detached single-family residential dwellings.

§ 550-64. Conditional uses.

Permitted conditional uses in the R-4 Zone shall be as follows:

A. Public utility uses, subject to the conditions listed in § 550-50B.

§ 550-65. Accessory uses.

Permitted accessory uses in the R-4 Zone shall be as follows:

A. Roomers and/or boarders limited to two in the aggregate per family dwelling unit, but only if such dwelling unit is occupied by the owner of the same.

B. Home occupation or office of professional persons, provided such professional person resides on the premises. Not more than two persons, other than the resident of the premises, may be employed by such professional person and not more than 1/2 of the floor area of one story or the basement of the principal structure shall be devoted to such use or, if conducted in an accessory building, the area of such use shall be limited to not more than 1/2 of the floor area of the principal structure. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in

appearance. Except for permitted signs, there shall be no physical evidence of such use visible from the exterior of the building so used.

C. Horses and/or ponies for riding purposes in connection with a single-family residential use where such use is the principal use of the property, and the horse and/or pony is owned by a member of the family occupying such single-family dwelling unit. The following ratio of the number of horses and/or ponies per acre of land shall be met: for the first horse and/or pony, at least three acres; for each additional horse and/or pony, one acre. The keeping of such animals shall be subject to and in accordance with the provisions of Chapter 126, Animals, Article II, Large Animals. In the event a conflict exists between the terms of the foregoing and the provisions of Chapter 126, Article II, the more restrictive provision shall prevail.

D. Windmills in accordance with the provisions of § 550-40.

E. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

F. Outdoor furnaces in accordance with the provisions of § 550-42.

G. Other accessory buildings or uses customarily incidental to the main permitted use in the zone.

§ 550-66. Area, yard and bulk requirements.

The following requirements shall be met for all lots within the R-4 Zone:

A. Lot area. The minimum lot area for each lot shall be four acres.

B. Lot width. The minimum lot width at the street line shall be 175 feet and the minimum lot width at the building setback line shall be 200 feet. Where a lot is on a curve at the end of a pavement cul-de-sac, the minimum lot width shall be 55 feet measured along the subtended chord of the arc at the street line and the minimum lot width at the building setback line shall be 155 feet.

C. Height. The height of the principal structure shall not exceed 35 feet or 2 1/2 stories, whichever is lesser.

D. Front yard. The minimum front yard setback shall be 75 feet.

E. Side yards. There shall be two side yards totaling 120 feet, provided that no side yard shall be less than 50 feet. Any existing lot or lots which are in single ownership at the time of enactment of this chapter, and are less than the minimum width at the building setback line, may reduce the side yard requirements at a ratio of one foot for each five feet of lot width less than that required; providing, however, that no side yard shall be less than 20 feet.

F. Rear yard. The minimum rear yard setback shall be 75 feet.

G. Residential buffer zone. New residential uses shall have a minimum setback of 100 feet from all side and rear lot lines shared with agricultural land. The Planning Board may require that this buffer area be increased to as much as 300 feet and planted with trees where the proposed dwelling adjoins any existing intensive livestock, agricultural processing, or manure disposal operation. Applicants seeking to expand an existing residential dwelling unit which would be in violation of this requirement shall be exempt.

H. Impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 20% of the total lot area.

ARTICLE XI
R-1 Residential Zone

§ 550-67. Permitted uses.

Permitted principal uses in the R-1 Zone shall be as follows:

A. Detached single-family residential dwellings.

B. Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the standards for detached single-family residential dwellings.

§ 550-68. Conditional uses.

Permitted conditional uses in the R-1 Zone shall be as follows:

A. Public utility uses, subject to the conditions listed in § 550-50B.

§ 550-69. Accessory uses.

Permitted accessory uses in the R-1 Zone shall be as follows:

A. Roomers and/or boarders limited to two in the aggregate per family dwelling unit, but only if such dwelling unit is occupied by the owner of the same.

B. Home occupation or office of professional persons, provided such professional person resides on the premises. Not more than two persons, other than the resident of the premises, may be employed by such professional person and not more than 1/2 of the floor area of one story or the basement of the principal structure shall be devoted to such use or, if conducted in an accessory building, the area of such use shall be limited to not more than 1/2 of the floor area of the principal structure. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of such use visible from the exterior of the building so used.

C. Windmills in accordance with the provisions of § 550-40.

D. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject

property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

E. Outdoor furnaces in accordance with the provisions of § 550-42.

F. Commercial vehicles in accordance with the provisions of § 550-128. Such provisions shall not apply to vehicles kept on a farm and used in the pursuit of agriculture.

G. Other accessory buildings or uses customarily incidental to the main permitted use in the zone.

§ 550-70. Area, yard and bulk requirements.

The following requirements shall be met for all lots within the R-1 Zone:

A. Lot area. The minimum lot area for each lot shall be one acre and must be measured within 300 feet of the front street right-of-way line.

B. Lot width. The minimum lot width at the street line shall be 125 feet and the minimum lot width at the building setback line shall be 150 feet. Where a lot is on a curve at the end of a pavement cul-de-sac, the minimum lot width shall be 45 feet measured along the subtended chord of the arc at the street line and the minimum lot width at the building setback line shall be 95 feet. Lots fronting on such a curve shall be exempt from the depth provision of Subsection A above.

C. Height. The height of the principal structure shall not exceed 35 feet or 2 1/2 stories, whichever is lesser.

D. Front yard. The minimum front yard setback shall be 50 feet.

E. Side yards. There shall be two side yards totaling 60 feet, provided that no side yard shall be less than 20 feet. Any existing lot or lots which are in single ownership at the time of enactment of this chapter, and are less than the minimum width at the building setback line, may reduce the side yard requirements at a ratio of one foot for each five feet of lot width less than that required; providing, however, that no side yard shall be less than 20 feet.

F. Rear yard. The minimum rear yard setback shall be 40 feet.

G. Residential buffer zone. New residential uses shall have a minimum setback of 100 feet from all side and rear lot lines shared with agricultural land. The Planning Board may require that this buffer area be increased to as much as 300 feet and planted with trees where the proposed dwelling adjoins any existing intensive livestock, agricultural processing, or manure disposal operation. Applicants seeking to expand an existing residential dwelling unit which would be in violation of this requirement shall be exempt.

H. Impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 25% of the total lot area.

ARTICLE XII
PRRD Planned Golf Course Recreational/Residential Development Zone

§ 550-71. Purpose.

The Planned Golf Course Recreational/Residential Development Zone is established in recognition of the existing Bear Brook development in Fredon Township. Bear Brook is a fully developed project, which was developed under the Planned Recreational/Residential Development conditional use standards for the AR-6 Zone in place at the time of its approval. In order to avoid the existing uses, structures, and site layout from being rendered nonconforming due to the elimination of the former AR-6 Zone, the Township hereby establishes a new Planned Golf Course Recreational/Residential Development Zone.

§ 550-72. Permitted uses.

A. Permitted uses may include single-family detached dwellings; single-family semiattached dwellings; swimming pools, tennis courts and playgrounds, garages and off-street parking facilities, decorative structures shown on and approved as part of the plan for the development including walls, fences, lampposts, trellises and the like, signs in accordance with Article XXIII, public utility structures, nonstructural passive recreational uses, including hiking, bicycling and cross-country skiing; and public or private open space.

B. Any planned golf course recreational/residential development shall include an eighteen-hole, one-hundred-ten-acre private membership golf course and may also include a private membership golf course clubhouse encompassing locker rooms, rest rooms, dining rooms, meeting rooms, lounges kitchen and/or grills and an office, all for the exclusive use of the club members and their employees and guests, a retail pro shop limited to the sale and servicing of golfing equipment and clothing, and necessary maintenance and storage facilities.

§ 550-73. Use requirements.

A. The development shall be served by central water distribution and central sewage collection and treatment facilities as shown within the "201" Wastewater Management Plan for Sussex County, as may be amended from time to time.

B. The maximum gross density for residences shall be 0.35 units per acre This residential density is a maximum density available to the developer only upon satisfactory demonstration of the carrying capacity of the site as a whole and of those portions of the site which are proposed to be altered for development.

C. The minimum tract size for a planned golf course recreational/residential development shall be 225 acres. For the purposes of this section, the term "contiguous" shall mean separate parcels joined by a common boundary of at least 500 feet in length, to ensure the creation of large, integrated open space areas. Parcels may be separated by an existing street classified as a local street, provided that the parcels have at least 500 feet of frontage directly across from one another when measured between the same two points spaced 500 feet apart along the street center line.

D. All planned golf course recreational/residential development shall have appropriate access to public streets. In view of the rural characteristics of the existing roadway network in the Township, all planned golf course recreational/residential developments shall have direct access to a state highway.

E. In order that the Planning Board may be satisfied that a proposed planned golf course recreational/residential development will not place excessive demands upon the carrying capacity of the particular tract for which it has been proposed or any portion thereof, the applicant shall provide the following:

(1) An on-site geological study and hydrogeological study, prepared in compliance with the provisions of New Jersey Technical Memorandum TM 89-3, entitled "Guidelines for Preparing Hydrogeological Reports for Water Allocation Permit

Applications," demonstrating the availability of adequate potable water without adverse impact to existing groundwater users. Additionally, a water diversion permit shall be required to be obtained from the N.J. Department of Environmental Protection, Division of Water Resources, regardless of projected daily water usage. In the event that such a permit is not obtained on account of the lack of jurisdiction of the Division of Water Resources for a development projecting an average daily water demand less than the threshold demand which vests the N.J. Department of Environmental Protection with the jurisdiction to issue such a permit, the applicant shall otherwise comply with the standards, requirements and guidelines applicable issuance of such water diversion permit and shall demonstrate his/her ability to meet the standards and requirements for the issuance thereof to the board. Such demonstration shall include, as a minimum, undertaking a seventy-two-hour pump test to identify the zone of influence of each proposed well and to monitor the impact on existing wells located within the zone(s) of influence. Such test(s) shall be conducted prior to obtaining preliminary approval from the board.

(2) A similar on-site study assuring no significant adverse impacts upon groundwater quality as a result of the on-site sewage treatment facilities proposed.

(3) A traffic study demonstrating the adequacy of traffic circulation to, from and within the development, including any recommendations for on-tract and off-tract improvements relating to traffic circulation issues.

(4) Proof that sufficient water is available, even during periods of drought, for irrigation of the golf course turf. A study shall be undertaken and the report prepared by a certified hydrogeologist on the availability of water for irrigation. The report shall list the sources of water supply proposed to be used and the study shall include a comparison of the amount of water needed for irrigation to the amount of water currently available. If groundwater is to be pumped for irrigation purposes, the impact on wells on adjacent properties during periods of normal rainfall as well as during periods of drought shall be documented and included in the report.

(5) For any planned golf course recreational/residential development involving a public or private membership recreational facility, an economic study on the projected and/or typical maintenance and operation costs involved in such facility in relation to the number of members and the estimated and/or typical fees required to sustain such a facility.

(6) A written authorization empowering the Planning Board to retain, at the applicant's expense, outside consulting specialists with respect to groundwater, sewage treatment, general environmental concerns, and the design and management of the various facilities proposed for purposes of witnessing tests conducted by the applicant and/or conducting independent tests, reviewing the submittals provided by the applicant and his/her experts, advising the Planning Board as to the validity of the applicant's studies, and recommending changes to the development plan as proposed by the applicant, if need be.

F. Any eighteen-hole golf course constructed as part of a planned golf course recreational/residential development shall have a minimum length of 6,000 yards.

G. Membership in any public or private membership recreational facility shall be mandatory for all residential property owners in the planned golf course recreational/residential development at the minimum rate of one membership per household. A residential property owner in the planned golf course recreational/residential development may have the right to assign or sell his/her membership to a nonresident on an annual or other basis subject to the approval of either the owner of the facility or of the club's membership organization, as applicable.

(1) In order to assure continuing compliance with the underlying intent and purpose of these provisions enabling planned golf course recreational/residential development in the PRRD Zone that the open space, amenities and the recreationally oriented improvements and facilities are intended to be primarily for the benefit of the individual property owners within such development, it shall be required that each applicant for development approval pursuant to the provisions hereof shall demonstrate to the Planning Board that such underlying purpose will be satisfied, protected and adequately provided for in the ownership, use, operation, including membership limitations and provisions, of such facilities within the development.

(2) Such proofs shall include, but shall not be limited to, the making of adequate and enforceable provisions in that regard in the certificate of incorporation, bylaws, deeds of covenants and restrictions and in use and membership rules and regulations for such facilities, which provisions shall be reviewed by the Planning Board for determination of compliance with the underlying intent and purpose of this subsection.

(3) In reviewing an applicant's proposals relating to the ownership, use and maintenance of the open space and other facilities and uses within the development, the Planning Board shall be guided by the provisions of N.J.S.A. 40:55D-6, the definition of "planned unit residential development," the provisions of N.J.S.A. 40:55D-43, providing for standards for establishment of open space organization, such other provisions of the Municipal Land Use Law and its supplements and amendments which relate to the development proposed, and by the intent and purpose of this subsection relating the planned golf course recreational/residential developments.

(4) The open space and other facilities and uses within the project shall be deemed, prima facie, to be "primarily for the benefit of the property owners therein" when the membership in the organization owning and/or operating such facilities is limited, by number, to two times the number of dwelling units within the project, minus one.

(5) Provided, however, that the foregoing formula shall not be deemed to be a limitation, restriction or condition, but only a guideline.

(6) Any applicant for development shall be entitled to present proofs to the Planning Board that, on account of the size, density, nature of the project and prevailing standards, provisions and practices with respect to the ownership, use, operation,

maintenance and membership of the organization controlling use of the open space and ancillary facilities, such organization reasonably requires greater membership to assure continuing viability.

(7) Provided, however, that in all cases, and prior to the approval of such membership limitations in excess of the formula (two times the total number of dwelling units, minus one), the Planning Board shall have been clearly satisfied that a valid rational nexus will be established and shall continuously exist between the intent and purpose of the planned golf course recreational/residential development provisions of this subsection and the use, ownership, operation and membership limitations proposed by the developer.

H. Phasing of construction in planned golf course recreational/residential developments shall be designed to satisfy the terms of N.J.S.A. 40:55D-45e, and to assure the availability of the recreational facilities proposed to the residents of the development in a timely fashion. In a planned golf course recreational/residential development, the phasing of construction of the golf course and the residential units shall be as follows:

(1) All excavation, subsurface work, rough grading and stabilization of the entire golf course surface shall take place simultaneously with the construction of the road and drainage improvements within the development and shall be completed before 50% of the residential certificates of occupancy shall be issued.

(2) All final grading, seeding, sodding, mulching and landscape planting of the golf course shall be completed before 75% of the residential certificates of occupancy shall be issued.

(3) The golf course shall be completed and maturing for play before the remaining 25% of the residential certificates of occupancy shall be issued.

(4) In all cases, all recreational improvements in any planned golf course recreational/residential development shall be completed before 85% of the residential certificates of occupancy shall be issued.

I. Notwithstanding any other provision of this chapter, the maximum aggregate floor area of all buildings devoted to retail sales, rentals and services, where permitted in a planned golf course recreational/residential development, shall not exceed a floor area ration of 0.0045 of the total tract acreage.

J. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with

making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Added 6-14-2012 by Ord. No. 2012-05]**

§ 550-74. Area, yard, bulk and design requirements.

A. Minimum. There shall be a minimum of 75 feet between all proposed buildings or structures and all tract boundaries.

B. Parking requirements. (See Article XXII.)

C. Height restrictions. The maximum height of all buildings and other structures not elsewhere regulated by this chapter shall be 35 feet and 2 1/2 stories.

D. Coverage. The maximum impervious surface coverage within the entire planned golf course recreational/residential development shall be 25%.

E. Landscaped buffers. Landscaped buffers shall be provided between residential uses both within and adjacent to the development and the active recreational structures wherever necessary to protect privacy and shield views.

F. Relations of dwelling units to open space. A minimum of 7% of all units shall abut the common open space, golf course or other nonstructural recreational areas within the development.

G. Single-family detached dwellings.

(1) Minimum lot area shall be 30,000 square feet.

(2) Minimum lot width shall be 100 feet at the front of the dwelling unit line.

(3) Minimum side yard, each, shall be 20 feet. Total, both: 50 feet.

(4) Minimum front yard setback shall be 50 feet.

(5) Minimum rear yard setback shall be 50 feet.

H. Single-family semiattached dwellings.

(1) Minimum lot area shall be 5,000 square feet.

(2) Minimum lot width shall be 50 feet at the front of the dwelling unit line.

(3) Minimum side yard, each, shall be 10 feet. Total, both: 25 feet.

(4) Minimum front yard setback for dwellings shall be 20 feet, for garages or carports, 10 feet from any cartway.

(5) Minimum rear yard setback shall be 20 feet.

(6) As an alternative to meeting the design provisions of Subsection H(1) through (5) above, the units may be clustered using a maximum net density of three units per acre, subject to intra-tract carrying-capacity limitations, with the common open space reserved to those units. All dwelling units shall be a minimum of 25 feet apart.

(7) Maximum number of single-family semiattached dwellings shall not exceed 60% of the total number of dwellings in the development. Single-family semiattached dwellings shall be constructed in separate clusters from the single-family detached dwellings.

(8) All attached garages shall have a fire-rated wall.

I. Nonresidential buildings and structures.

(1) The total square footage of golf course clubhouse buildings shall not exceed 40,000 square feet, including dining and lounge areas, golf course pro shops, locker and exercise rooms, offices, golf cart storage and conference/banquet rooms.

(2) There may be separate buildings for maintenance, gate houses and storage not exceeding an aggregate total of 25,000 square feet.

(3) Recreational buildings and structures and other nonresidential buildings shall be set back a minimum of 75 feet from the nearest residential cluster within the development.

(4) Recreational and other nonresidential buildings shall have a minimum separation of 30 feet from one another.

J. Common open space.

(1) All of the land not improved and not utilized for residential lots or committed to public or private membership recreational facilities shall be designated as common open space.

(2) All residential property owners in the development shall have the right to use the designated common open space and any facilities located thereon.

(3) All open space and all common elements in the development shall be deeded to a homeowners' and/or management association established to own and maintain the common elements as provided at N.J.S.A. 40:55D-43. The homeowners' and/or management association documents shall be submitted to the Township Attorney prior to final approval.

(4) If a public or private membership recreational facility is discontinued from active use, for whatever reason, the minimum amount of open space required to meet planned golf course recreational/residential development requirements, thereupon, shall be required to be conveyed, by deed or other appropriate instrument, to the ownership of the property owners within the planned golf course recreational/residential development, each individual property owner to be a tenant in common with all other individual property owners and to own an equal undivided proportional interest therein.

(5) Any open space acreage in addition to the minimum acreage required to be set aside in order to meet the open space requirements of a planned golf course recreational/residential development may be retained by the owner of the discontinued public or private membership recreational facility. Provided, however, that such additional open space shall not be disposed of, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and, thereafter, such organization shall not be dissolved, nor shall same dispose of any of its open space without first offering to dedicate same to the Township. Such open space, in excess of the minimum open space required for planned golf course recreational/residential development, after a public hearing and approval by the Planning Board, may be devoted to uses or activities permitted in the PRRD Zone. The Planning Board, in

reviewing an application for use of such excess open space which has been retained by the owner of the recreational facility, shall be guided by the intent and purpose of the establishment of the planned golf course recreational/residential development in the PRRD Zone, in the first instance.

(6) Prior to the approval of any different or additional use of such excess open space, the Planning Board shall have been clearly satisfied that the intent, purpose and benefits which originally attended the approval of the planned golf course recreational/residential development, in the first instance, continue and are not significantly altered by any such subsequent application for use of such excess open space.

K. Engineering and construction design standards. Engineering and construction design standards shall be consistent with other requirements of this chapter and all other applicable ordinances.

ARTICLE XIII
MUMD Mixed-Use Market Zone District

§ 550-75. Goals and objectives.

The primary goal of the Mixed-Use Market District (MUMD) Zone is to promote a community center consisting of both commercial and higher-density residential uses that are developed around a pedestrian trail system and central park facility. A conceptual plan illustrating the types and layout of uses envisioned in the MUMD Zone is located at the end of this chapter. In order to encourage the flexibility and economy of layout and design needed to achieve this plan, it is intended that the MUMD Zone be developed through the use of planned unit developments. Planned unit developments are authorized under N.J.S.A. 40:55D-39b of the Municipal Land Use Law. Consistent with the illustrative concept plan, the objectives of these planned unit developments, as applicable to this chapter, are as follows:

A. To provide approximately 65,000 square feet of new retail development to be concentrated south of Willows Road, as well as to encourage existing retail to be incorporated into the overall plan design, where appropriate.

B. To provide a public plaza in a central location adjacent to new retail development off of Route 94 and Willows Road, with the intention of creating a central gathering place for the community for the use during community events such as farmer's markets and public ceremonies.

C. To provide detached single-family dwelling units or attached two-family dwellings in areas proximate to existing single-family dwelling units; specifically, these areas include the western edge of the MUMD Zone, and the area to the east of Route 94 and north of Willows Road.

D. To provide townhouse units in appropriate areas throughout the MUMD Zone; specifically, these areas include the northwestern corner of the zone, the area along the west side of Route 94 in the southern portion of the zone, the area south of the new retail development to be provided to the east of Route 94 and south of Willows Road, and the

area along the east side of Route 94 to the north of Willows Road, as delineated on the concept plan.

E. To provide for a 38,000 square foot, sixty-five-unit assisted-living facility along the western edge of the MUMD Zone to serve the community's senior population, as delineated on the concept plan.

F. To provide a 20% set-aside for affordable housing within all of the MUMD Zone's residential developments, consistent with the Township's Housing Element and Fair Share Plan and the Council on Affordable Housing's (COAH) third round rules.

G. To provide a pedestrian passive recreation trail system along the Paulins Kill (a Category 1 stream that parallels Route 94 to the west) which connects existing parks, open space and residential development with the new retail and residential developments to be provided on both sides of Route 94 in the MUMD Zone. The trails are to be incorporated throughout the MUMD as delineated on the concept plan.

H. To establish pocket parks in the unconstrained areas along the pedestrian trail system in order to provide active and passive recreational opportunities for the residents of the MUMD Zone.

I. To protect and preserve the environmentally sensitive features of the MUMD Zone through careful land use planning and tract development consistent with a four-step design process.

§ 550-76. Minimum area requirement.

A. The minimum land area required for a planned unit development shall be 20 contiguous acres. For the purpose of this requirement, streets shall not be deemed to divide acreage.

B. Notwithstanding the above provisions, all retail businesses located in the MUMD Zone that exist as of the date of this chapter shall be permitted to expand or make alterations consistent with the TC Town Center zone district regulations that applied prior to the date of this chapter, as set forth in § 550-81F.

§ 550-77. Permitted uses.

The following uses shall be permitted in the MUMD Zone:

A. Retail stores, provided, however, that single occupancy stores shall be limited to 20,000 square feet or less.

B. Personal service establishments.

C. Banks.

D. Post offices.

E. Restaurants, eating and drinking establishments.

F. Instructional studio spaces, including dance, artist, martial art, music, and related studios.

G. Museums, art galleries and libraries.

H. Funeral homes and mortuaries.

I. Hotels and motels.

J. Indoor theaters, bowling alleys, and health and fitness facilities.

K. Child-care facilities, pursuant to N.J.S.A. 40:55D-66.6.

L. Adult day-care facilities.

M. Professional, financial and medical offices above at-grade retail or other principal permitted uses set forth in Subsections A through H above.

N. Assisted-living residences.

O. Residential dwelling units, including:

(1) Single-family detached units.

(2) Duplexes.

(3) Townhouses.

(4) Multifamily units above at-grade retail or other principal permitted uses set forth in Subsections A through H above.

P. Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the standards for detached single-family residential dwellings.

Q. Trails designed in accordance with § 550-45.

§ 550-78. Conditional uses.

Permitted conditional uses in the MUMD Zone shall be as follows:

A. Public or institutional uses, subject to the conditions listed in § 550-50A.

B. Public utility uses, subject to the conditions listed in § 550-50B.

§ 550-79. Accessory uses.

Permitted accessory uses in the MUMD Zone shall be as follows:

A. Off-street parking and loading designed in accordance with § 424-32 of Chapter 424, Site Plan Review.

B. Outdoor cafes associated with and on the same lot as indoor eating facilities such as coffee shops, restaurants, ice cream parlors, bakeries, and cafes. Outdoor cafes shall be designed in accordance with § 550-39.

C. Windmills in accordance with the provisions of § 550-40.

D. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

E. Outdoor furnaces in accordance with the provisions of § 550-42.

F. Fences and walls designed in accordance with § 550-28.

G. Signs designed in accordance with § 550-138.

H. Other accessory buildings or uses customarily incidental to the principal permitted use in the zone.

§ 550-80. Common open space requirement.

The following open space requirements shall be applicable to all planned unit developments:

A. A minimum of 25% of the gross area of the planned unit development shall be set aside for common open spaces, which may include parks, preserves, active and passive recreation areas, lakes, ponds, playgrounds, tennis courts, swimming facilities, drainage, and other similar uses, along with structures and accessory features appurtenant thereto.

B. Unless permitted by the Planning Board, the following shall not be calculated into the open space percentages: flood hazard areas, bodies of water and/or retention basins, wetlands, slopes greater than 15%, streets, driveways, paved parking areas, sidewalks, private yards, and other similar areas. The Planning Board may, however, require such areas to be considered part of common open space for maintenance purposes.

C. Where the planned unit development contains land area within 300 feet of the Paulins Kill Category 1 stream, the required common open space area shall include trail segments contributing to a zone-wide pedestrian trail system. The trail system is intended to extend along the stream and ultimately connect the new commercial uses and residential development in the MUMD Zone with Lodestar Park to the south and the nature conservancy lands to the northeast. Where feasible, pockets for active recreation facilities shall be constructed along the trail system.

D. Where the planned unit development contains nonresidential development totaling 10,000 square feet or more of gross floor area, the required common open space area shall include a public plaza. Such plaza shall be provided at a minimum ratio of 50 square feet per 1,000 square feet of gross floor area. The plaza shall include, at a minimum, landscaping walkways and benches.

E. The requirements set forth in §§ 550-106 through 550-108, with respect to the protection, ownership and maintenance of common open space which is to be set aside as herein provided, shall be applicable to a planned unit development.

§ 550-81. Development standards.

The following development standards shall be applicable to all planned unit developments:

A. Affordable housing requirement.

(1) In accordance with the Township's Housing Element and Fair Share Plan, 20% of all dwelling units constructed in the MUMD Zone shall be set aside for low- and moderate-income households and developed in accordance with applicable Township and state regulations. For the purpose of this requirement, dwelling units shall be deemed to include assisted-living units.

B. Location of nonresidential uses.

(1) New nonresidential uses shall not be permitted north of Willows Road. However, all lawfully preexisting retail businesses shall be permitted to expand or make alterations consistent with the TC Town Center Zone district regulations that applied prior to the date of this chapter, as set forth in § 550-81F.

(2) For the purpose of this requirement, an assisted-living residence shall not be deemed a nonresidential use.

C. Ratio of nonresidential and residential uses.

(1) For every 675 square feet of new nonresidential space in a planned unit development, there shall also be provided one townhouse dwelling unit.

(2) Where 15 or more townhouse units are provided to the south of Willows Road, new nonresidential space shall also be provided at a minimum ratio of 675 square feet per townhouse unit.

(3) For the purpose of these requirements, an assisted-living residence shall not be deemed a nonresidential use.

D. Maximum densities.

(1) The maximum amount of new nonresidential space that shall be developed in the entire MUMD Zone is one square foot per 228 square feet of land area. However, such new nonresidential space may be clustered to a density of one square foot per 11 square feet of land area.

(2) The maximum number of townhouse units that shall be developed in the entire MUMD Zone is one townhouse for every 3.55 acres. However, such townhouse units may be clustered to a density of one townhouse per 2.75 acres of land area.

(3) The maximum number of detached single-family dwelling units that shall be developed in the entire MUMD Zone is one unit for every 4.2 acres. However, such detached single-family dwelling units may be clustered to a density of one unit per acre on a minimum of 10,000 square foot lots.

(4) The maximum number of dwelling units permitted in Subsection D(2) and (3) above are based on septic system design capacity in the MUMD Zone; however, the reviewing agency may permit an increase up to 15% if the applicant can demonstrate that sewage treatment facilities could be provided to manage the increased demand.

(5) For the purpose of this subsection, assisted living units shall not be deemed to be either dwelling units or new nonresidential space.

E. Area, yard and bulk requirements.

(1) Except as otherwise provided in this section, there shall be no minimum lot area, width, depth or frontage, no minimum building setback, no maximum percentage of lot coverage, no requirement as to front, side or rear yards, and no requirement concerning the location of accessory buildings or structures for any permitted land use in a planned unit development. However, no plan for a planned unit development shall be approved unless the lot areas, widths, depths and frontages, building setbacks, percentages of lot coverage, front, side and rear yards, and locations of accessory buildings or structures provided for in the site plan and subdivision plan are consonant with the public health, safety and general welfare.

(2) A minimum setback distance of 30 feet shall be provided from all state or county roadways.

(3) A minimum setback distance of 15 feet shall be provided from all interior roadways in a planned unit development.

(4) The height of any residential, nonresidential or mixed-use building within a planned unit development shall not exceed 35 feet or three stories.

(5) The minimum distance between two buildings shall be no less than the height of the tallest building.

(6) There shall be a minimum setback of 50 feet from each existing single-family residential zone. Said setback area shall include a fence or vegetation adequate to screen the use from the residential zone.

F. Requirements for preexisting retail businesses.

(1) Lot area. The minimum lot area for each lot shall be 30,000 square feet.

(2) Lot dimensions. Each lot shall have the following minimum dimensions:

(a) Lot width at the building setback line: 150 feet.

(b) Lot width at street right-of-way: 100 feet.

(c) Lot depth: 200 feet.

(3) Yards. Each lot shall have the following minimum yards:

(a) Front yard: 75 feet.

(b) Side yards: 40 feet each.

(c) Rear yard: 50 feet.

(4) Height. The height of the principal structure shall not exceed 35 feet or 2 1/2 stories, whichever is lesser.

(5) Building coverage. The maximum building coverage on any lot shall be 20% of the total lot area.

(6) Impervious coverage. The maximum impervious coverage on any lot shall be 55% of the total lot area.

(7) Floor area ratio. The ratio of the gross floor area of all building(s) on the lot to the total lot area shall not exceed 0.25.

(8) Heated floor area. The minimum heated floor area of any building shall be 800 square feet, no less than 600 square feet of which shall be on the first floor.

(9) Buffers. Where a lot is bounded by property zoned for residential uses, there shall be a minimum buffer of 75 feet between such boundary and any structure, parking lot or driveway constructed on the lot. The buffer area shall include a fence or vegetation adequate to screen the use from the residential zone.

§ 550-82. Planned unit development design process.

When preparing a planned unit development, the developer shall undergo the four-step design process outlined in § 550-101C, with the following exceptions:

A. Section 550-101C(2) requires that a minimum of 60% of the total tract area be conserved, and that the required conserved land area consist of the totality of the primary conservation areas. However, planned unit developments in the MUMD Zone shall not be subject to these requirements and instead shall be subject to the common open space requirements set forth in § 550-80 above.

B. Section 550-101C(3) requires that dwellings be located no closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas. Furthermore, this section requires that the location of streets and trails be designated after the location of dwellings has been determined. However, planned unit developments in the MUMD shall not be subject to these requirements. Instead, setbacks shall be consistent with sound planning principles and streets, plazas, and trails shall be located first, with buildings and structures located thereafter.

§ 550-83. Timing of development.

The implementation of a planned unit development shall be in sections or stages. Said sections or stages shall be comprised of the various permitted and required land uses in accordance with the following chart:

Maximum/Minimum Staging Chart

Percentages show required and/or permitted proportions in each stage

Use	Total Project Time				
Categories	**First Stage**	**Second Stage**	**Third Stage**	**Fourth Stage**	**Last Stage**
Open space development	10% minimum	30% minimum	50% minimum	90% minimum	100% minimum
Residential					
Detached	40% maximum	60% maximum	80% maximum	100% maximum	—
Attached	10% maximum	20% maximum	40% maximum	70% maximum	100% maximum
Nonresidential	10% minimum	30% minimum	70% minimum	100% minimum	—

ARTICLE XIV
LI Light Industrial Zone

§ 550-84. Permitted uses.

Permitted principal uses in the LI Zone shall be as follows:

A. General manufacturing, including, but not limited to, the manufacture, compounding, assembly, processing, packing or treatment of articles or products.

B. Machine shops, not including foundries and heavy fabrication.

C. Scientific or research laboratories, including pilot plants in connection therewith.

D. Wholesale business storage and warehousing.

E. Distribution centers, including, but not limited to, parcel delivery service industry.

F. Moving and storage operations, including self-storage facilities.

G. Printing, publishing, lithographing, and binding operations.

H. Computer and data processing centers.

I. Greenhouses and garden centers.

J. Lumber and building materials sales.

K. Health and fitness centers.

L. Indoor tennis, racquetball and similar court sports.

M. Offices for business, professional and administrative purposes, and office record storage.

N. Medical offices and clinics.

O. Public buildings and utility uses, other than electricity generating plants, gas manufacturing plants or gasometers.

P. Wireless communication towers in accordance with § 550-38.

Q. Child-care facilities, pursuant to N.J.S.A. 40:55D-66.6.

§ 550-85. Conditional uses.

Permitted conditional uses in the LI Zone shall be as follows:

A. Industrial parks, subject to the following conditions:

(1) Any tract to be used for an industrial park shall have a minimum area of 20 acres, and any individual lot within an industrial park shall have a minimum of three acres.

(2) An individual lot within an industrial park shall have the following minimum dimensions:

(a) Lot width at building setback line: 250 feet.

(b) Lot width at street right-of-way: 175 feet.

(c) Lot depth: 200 feet.

(3) An individual lot within an industrial park shall have the following minimum yards:

(a) Front yard: 50 feet.

(b) Side yards: 50 feet each.

(c) Rear yard: 50 feet.

B. Solar production systems, as herein defined, subject to the following conditions: **[Added 6-14-2012 by Ord. No. 2012-05]**

(1) Energy generation shall be limited to six megawatts (MW) in order that no such commercial system is generating energy on the scale of a public utility. However, this provision is in no way meant to prohibit the generation and sale of electricity to public utilities for profit.

(2) Solar production systems shall be ground mounted only.

(3) In order to minimize the removal of forests and large groups of trees, the land which is the subject of the proposed solar production system shall have been cleared for at least five years prior to the submission of the application.

(4) In no event shall a lot have more than 10% of the existing forested portion thereof cleared for ground-mounted solar production systems.

(5) The minimum lot size shall equal at least six acres for each megawatt (MW) of electrical energy produced.

(6) Not in excess of 80% of the lot may be devoted to ground-mounted solar production systems.

(7) All ground-mounted solar production systems shall be set back a distance of 75 feet from all property lines and street right-of-way lines, and within such setback area no solar panels, inverters, interconnection equipment or other devices or facilities related to their use shall be located.

(8) Ground-mounted solar arrays shall not exceed a height of 12 feet.

(9) Ground-mounted solar arrays and all attendant equipment and facilities shall be enclosed within a chain-link fence, coated with black vinyl material and attended by a bottom rail (and not merely a tension wire), which shall have a height of eight feet with the exception of the portions thereof which enclose inverters, switchgears and other high-voltage equipment, which shall be enclosed with a black-vinyl-coated chain-link fence having a height of 10 feet.

(10) The arrays of solar panels shall be established in a generally symmetrical fashion, i.e., square or rectangular, and extreme deviations from such configurations shall not be permitted.

(11) Each row of ground-mounted solar panel arrays shall be identified by a numbering or lettering system in order that service providers, including emergency service providers, can efficiently locate the area of concern. In order to assure the prompt and efficient provision of emergency services to the solar panel array, a map of same, including the identification of each and every row of solar panels and the high-voltage equipment areas (inverters, switch stations, etc.) shall be provided to the Township Clerk and the emergency service provider organizations in the Township.

(12) Ground-mounted solar panels and solar arrays shall not be subject to impervious surface calculations, unless installed above an existing impervious surface.

(13) The facilities and associated equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any such identification be visible from an adjoining property line.

(14) Facilities and associated equipment shall not significantly impair a scenic vista or scenic corridor as identified in the Township's Master Plan or other published source.

(15) Wires, cables and transmission lines running between the facility and any other structure shall be installed underground. However, interconnection services between the solar facility and the utility transmission lines may be constructed above the ground.

(16) Design of access roads shall be such as to minimize lot coverage and the distance from public roads.

(17) Facilities shall use semipervious materials, such as gravel, for access roads to minimize stormwater runoff.

(18) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(19) All solar production systems shall be screened from view of all public streets by buildings and/or a fifty-foot buffer of dense evergreen plant material and/or fences as deemed necessary by the Planning Board to achieve the intended buffer.

(20) Ground-mounted solar systems shall include a landscape plan indicating the seed mix to be used as ground cover beneath the solar arrays. Such seed mix shall consist of 100% native noninvasive species that are low maintenance, promote or aid the local wildlife and do not grow to the height of the bottom of the panels.

(21) Periodic maintenance of the facility shall be conducted in order that the grass and other vegetation beneath the solar panel arrays shall have a uniform height and shall be no taller than one foot (12 inches) beneath the lower portion of any panel.

(22) Abandoned solar facilities.

(a) Wind and solar production systems and associated equipment that have not been in use for commercial production and sale for a period of six consecutive months shall be removed by the property owner. Additionally, all equipment buildings, related facilities, fencing, utility connections and access driveways shall be removed and the site restored to its predevelopment condition. This removal shall occur within 60 days of the end of such six-month period. Upon removal, the site shall be cleared and restored. Any and all costs of removal shall be the sole responsibility of the property owner.

(b) In order to ensure compliance with these requirements, the owner shall provide a performance bond and/or other assurances satisfactory to the Land Use Board and the Township Committee to cover the cost of removal of the facility, associated equipment and any other related improvements to the land which are required to be removed. The amount of the performance guarantee shall be 120% of the estimated cost of removal and shall be subject to the approval of the Township Engineer.

(c) In the event that a bond is not available for a term adequate to serve its intended purpose, or if the developer so elects, the developer may post a cash performance guaranty to assure site restoration in the event of abandonment of the project. The amount of the cash deposit, which shall be placed in escrow with the Township of Fredon in an interest-bearing account, shall be determined as follows:

[1] The developer's engineer shall prepare a restoration cost estimate, which may take into account the salvage value of the facilities at the time of

site restoration, and deduct that amount from the total cost of site restoration.

[2] That estimate shall be submitted to the Township Engineer, who shall then review and approve or modify the amount as he/she deems appropriate.

[3] The total amount of the cash performance guaranty shall then be divided by either the projected useful life of the project or the initial term of the lease if the developer is not the property owner, whichever term shall be lesser.

[4] The total amount of the performance guaranty shall be divided by that number of years to result in the annual cash deposit requirement to be posted with the Township of Fredon.

(d) Failure to remove an abandoned solar facility shall entitle the Township to remove same at the owner's expense and to assess the property owner for all reasonable costs incurred. The amount of the performance guaranty, established in accordance with the foregoing, shall be reviewed by the Township Engineer every five years to confirm its continuing adequacy in serving its intended purpose.

§ 550-86. Accessory uses.

Permitted accessory uses in the LI Zone shall be as follows:

A. Outdoor storage, provided that said storage shall not be located in a front yard nor in a side yard adjoining a street, said storage shall meet the setback requirements from property lines for accessory buildings, and said storage shall be screened from adjacent properties by special planting or a fence as approved by the Planning Board.

B. Retail sales of goods and products manufactured or warehoused on the premises, provided that the area devoted to retail sales shall be limited to a maximum of 10% of the floor area occupied by the firm or establishment or 2,500 square feet, whichever is lesser. Further, the required number of parking spaces for the area devoted to retail sales shall be determined separately from other operations in the building.

C. Garages for the storage of vehicles used in the conduct of the principal use.

D. Gate houses and guard houses necessary for security and traffic control.

E. Where there is a lawfully preexisting residence, accessory uses and/or structures customarily incidental to a residential use, such as pools, fences and decks, shall be permitted with the same restrictions that apply in § 550-27.

F. Wireless communication towers in accordance with § 550-38.

G. Windmills in accordance with the provisions of § 550-40.

H. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

I. Outdoor furnaces in accordance with the provisions of § 550-42.

§ 550-87. Area, yard and bulk requirements.

The following requirements shall be met for all lots within the LI Zone:

A. Lot area. The minimum lot area shall be at least five acres.

B. Lot dimensions. The minimum lot dimensions shall be as follows:

(1) Lot width at building setback line: 400 feet.

(2) Lot width at street right-of-way: 300 feet.

(3) Lot depth: 400 feet.

C. Yards. The minimum yard setbacks shall be as follows:

(1) Front yard: 100 feet.

(2) Side yards: 100 feet each.

(3) Rear yard: 100 feet.

D. Building height. The height of the principal structure shall not exceed 40 feet above grade, exclusive of antennas, flagpoles, smokestacks, water towers and the like. In no case shall the highest point of the accessory structure be greater than 50 feet above the principal structure. Where the distance from the base point of the accessory structure to the nearest property line is less than 90 feet, the highest point of the accessory structure shall be no greater than the distance from the base of the accessory structure to the nearest property line.

E. Buffers. Where the light industrial property is bounded by property zoned for residential use, there shall be a buffer of 200 feet between such boundary and any structure, parking lot or driveway constructed on the light industrial property. The buffer area shall include a fence or vegetation adequate to screen the light industrial use from the residential zone.

F. Parking location. Parking spaces and parking service aisles shall not be located in the front yard of the lot, and shall be designed in accordance with Chapter 424, Site Plan Review.

G. Building coverage. Building coverage shall not exceed 20% of the total lot area.

H. Floor area ratio. The ratio of the gross floor area of all principal building(s) on the lot to the total lot area shall not exceed .25.

I. Number of principal uses. There shall be only one principal use on each lot in the light industrial zone.

ARTICLE XV
CF Community Facilities Zone

§ 550-88. Permitted uses.

Permitted principal uses in the CF Zone shall be as follows:

A. Public schools.

B. Municipal offices.

C. Fire departments, including volunteer fire departments.

D. Police departments.

E. Municipal garages.

F. Municipal recycling centers.

G. Public works storage yards and salt/grit storage sheds.

H. Public works truck washing facilities.

I. Recreational facilities.

J. Rescue and/or first aid squads.

K. Senior citizen center.

L. Wireless communication towers in accordance with § 550-38.

M. Such other uses as may be interpreted by the Zoning Board of Adjustment to be exclusively public municipal activities.

§ 550-89. Accessory uses.

Permitted accessory uses in the CF Zone shall be as follows:

A. Wireless communication towers in accordance with § 550-38.

B. Windmills in accordance with the provisions of § 550-40.

C. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

D. Outdoor furnaces in accordance with the provisions of § 550-42.

E. All those accessory buildings or uses customarily incidental to the main permitted use in the zone.

§ 550-90. Zone requirements.

A. All municipally owned facilities in the CF Zone are encouraged to incorporate the following provisions:

(1) Green infrastructure treatments in accordance with the provisions of § 550-47.

(2) Solar energy devices in accordance with the provisions of § 550-41.

(3) An energy audit of all facilities to establish where and how energy is being used in buildings and facilities, and to identify opportunities for energy and cost savings. Funding is available through The New Jersey Board of Public Utilities, Office of Clean Energy (BPU) Municipal/Local Government Energy Audit Program.

(4) Adherence to a municipal green purchasing program, also known as environmentally preferable purchasing, which is the coordinated purchasing of goods and services to minimize impacts on human health and the natural environment. Examples of green purchasing include the purchase of products made from recycled content that are themselves recyclable, green cleaning products, green maintenance equipment and materials, and energy-efficient appliances or equipment for municipal use.

B. The following area, yard and bulk requirements shall be met for all lots in the CF Zone:

(1) Front yard. The minimum front yard setback shall be 50 feet.

(2) Side and rear yards. The minimum side and rear yard setbacks shall be 75 feet for the principal structure and 25 feet for off-street parking areas and other accessory structures.

(3) Building coverage. The maximum building coverage on any lot shall be 25% of the total lot area.

(4) Lot area. The minimum area for each lot shall be the minimum area necessary to accommodate all required yards and off-street parking.

§ 550-91. Reversion of property to private use.

If the public use of any area in the CF Zone is discontinued and the property reverts to private ownership or use, no new use shall be established until another zone district is applied to this property by the governing body, following the submission of a recommendation by the Planning Board.

ARTICLE XVI
CP Community Park Zone

§ 550-92. Permitted uses.

Permitted principal uses in the CP Zone shall be as follows:

A. Athletic fields.

B. Tennis courts, volleyball courts, basketball courts.

C. Tot lots and playground facilities.

D. Picnic areas.

E. Other outdoor recreational activities compatible with the primary intended uses.

§ 550-93. Accessory uses.

Permitted accessory uses in the CP Zone shall be as follows:

A. Back stops, goal posts and the like.

B. Picnic tables and fireplaces.

C. Comfort facilities.

D. Storage buildings and uses.

E. Picnic shelters and gazebos.

F. Food concessions as approved by the Township Committee.

G. Windmills in accordance with the provisions of § 550-40.

H. Small solar systems limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Solar panels and solar arrays may be rooftop mounted or ground mounted in the rear yard area only, at the applicant's discretion. Ground-mounted solar panel arrays shall be prohibited from being located within the front yard area. In the event that an applicant proposes to locate ground-mounted solar panel arrays in the side yard area, application shall be made to the Zoning Officer for the grant of a waiver. In order to receive such waiver, the applicant shall demonstrate to the Zoning Officer that the location of the solar panel arrays on the roof of the residence (or other structure on the lot) or in the rear yard area is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. In the event that the Zoning Officer has doubt or difficulty with making a determination as to the granting of such waiver or in the event that the Zoning Officer denies such waiver, application shall be made to the Planning Board for the grant of such waiver, which shall be treated as an exception pursuant to N.J.S.A. 40:55D-51. All ground-mounted small solar systems will be located upon the lot in closer proximity to the principal residence thereon than to any neighboring homes or building envelopes on adjoining properties that are unimproved. Ground-mounted solar arrays permitted by the Planning Board, upon proper application, to be located within the side yard setback area shall be effectively screened from view from the street and adjacent properties by evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 10 feet to create a continuous visual buffer. After completion of installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township

Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system. **[Amended 6-14-2012 by Ord. No. 2012-05]**

I. Outdoor furnaces in accordance with the provisions of § 550-42.

J. Other accessory buildings or uses customarily incidental to the main permitted use in the zone.

§ 550-94. Prohibited uses.

The removal of vegetation, trees, soil or natural substances, except as may be necessary to maintain the flow of rivers and/or streams, or the blockage of lakes and/or ponds and other similar functions required to maintain the natural state and repair damages resulting from fire and/or flood are hereby expressly prohibited in the CP Zone.

§ 550-95. Zone requirements.

The following requirements shall be met for all lots within the CP Zone:

A. Site plan review. Site plan review by the Planning Board shall be required prior to the creation of any park. The site plan submitted to the Planning Board shall delineate the location of each recreational use, its manner of development and its implementation in accordance with Chapter 424, Site Plan Review.

B. Parking. The provisions for parking shall be reviewed by the Planning Board in connection with its review of the site plan. Consistent with providing safe and adequate parking for those persons utilizing the facilities provided, parking areas shall be designed to minimize their environmental impact and shall be so designed and constructed so as to harmonize with the natural surroundings. Surfacing should be limited to that which is necessary to provide stabilization and which minimizes rainwater runoff, in accordance with the recommendations of the Township Engineer.

ARTICLE XVII
C Conservation Zone [3]

§ 550-96. Permitted uses.

Permitted principal uses in the C Zone shall be as follows:

A. Trails designed in accordance with § 550-45.

B. Passive and active recreation facilities, subject to the standards in § 550-46.

C. Such other unstructured recreational uses and activities that will provide for the maintenance of open space in its natural condition and otherwise leave such areas undisturbed and in their natural state.

§ 550-97. Accessory uses.

Permitted accessory uses in the C Zone shall be as follows:

A. Bicycle paths, which shall not include pathways for dirt bikes, all-terrain vehicles (ATVs), or other types of motorized vehicles.

B. Bicycle racks.

C. Benches.

D. Way-finding signage.

E. Scenic overlooks.

F. Hunting and fishing.

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3. **Editor's Note: Original § 10-12, PD Planned Residential Development District, which immediately preceded this article, was repealed 11-7-2007 by Ord. No. 2007-11. This ordinance provided that the PD District regulations shall continue to apply to all pending applications, all pending appeals, and all appeals of pending applications in the Township as of the date the ordinance was adopted. All properties currently located within the PD Planned Residential District will have their zoning amended to the AR-6 Agricultural/Residential Zone, with the exception noted above.**

G. Sailing, canoeing and nonmotorized boating.

H. Such other accessory structures and uses which are found to be necessary or convenient to permitting the unstructured recreational uses allowed as-of-right, but only within a scheme that will permit the least disturbance to the natural state.

§ 550-98. Zone requirements.

The following requirements shall be met for all lots within the C Zone:

A. Site plan review. Site plan review by the Planning Board shall be required prior to the creation of any conservation use. The site plan submitted to the Planning Board shall delineate the location of the proposed use, its manner of development and its implementation in accordance with Chapter 424, Site Plan Review, and the trails and recreation and open space design standards set forth in §§ 550-45 and 550-46 of this chapter.

B. Parking. The provisions for parking shall be reviewed by the Planning Board in connection with its review of the site plan. Consistent with providing safe and adequate parking for those persons utilizing the facilities provided, parking areas shall be designed to minimize their environmental impact and shall be so designed and constructed so as to harmonize with the natural surroundings. Surfacing should be limited to that which is necessary to provide stabilization and which minimizes rain water runoff, in accordance with the recommendations of the Township Engineer.

ARTICLE XVIII
Cluster Subdivisions

§ 550-99. Purposes.

A subdivision is considered a cluster subdivision when lots and dwelling units are clustered closer together than otherwise possible in a conventional subdivision and where open space or active agricultural land is conserved on the remainder of the property without increasing density for the tract as a whole. Cluster subdivisions are authorized under N.J.S.A. 40:55D-39b of the Municipal Land Use Law, and are encouraged herein. In conformance with the Township's Master Plan, the purposes of cluster subdivision are as follows:

A. To provide greater economy, efficiency and convenience in the siting of services and infrastructure, including the opportunity to reduce road lengths, utility runs, and the amount of paving required;

B. To conserve important open lands, including those areas containing unique and sensitive natural features, such as steep slopes, floodplains, stream corridors, and wetlands by permanently setting them aside from development;

C. To protect areas of the Township with productive agricultural soils and lands for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;

D. To provide multiple options for landowners to minimize impacts on environmental resources and natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls;

E. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, with a strong neighborhood identity;

F. To provide a reasonable setback for new development adjacent to lands in active farming due to potential incompatibility with nonfarm uses;

G. To implement policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township's Master Plan, including provisions to create areas for active or passive recreational use for the benefit of present and future residents;

H. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by limiting views of new development from existing roads;

I. To promote development in harmony with the goals and objectives of the Township's Master Plan; and

J. To identify and mitigate the environmental impacts of a proposed development to the greatest extent possible.

§ 550-100. Authorization.

A. Authorization is hereby granted to the Planning Board to modify applicable provisions of this chapter as to lot size, lot width, depth, yard, and other applicable requirements of Chapter 550, Zoning, as well as Chapter 470, Subdivision of Land, subject to the purposes, standards and procedures contained herein, so as to accommodate cluster subdivisions.

B. The Planning Board may require cluster subdivision where it finds that any one of the elements required to be shown in the Existing Resources Map is present, justifying conservation of natural, cultural or historic resources, productive agricultural soils and lands, scenic features, or preservation of neighborhood character. The information required to be shown in the Existing Resources Map is outlined in § 550-101C(1).

§ 550-101. Cluster subdivision design process.

Once the maximum permissible number of lots in a cluster subdivision has been established in accordance with § 550-102C, the next step is to create a cluster design layout. This layout shall include an identification of primary and secondary conservation lands within a parcel(s). These lands include natural and man-made elements that are most highly valued by the community. The identification and categorization of these elements shall be done in accordance with § 550-101C. Illustrations of the design process are provided therein to assist applicants and landowners.

A. Sketch plan. If the applicant requests an informal review of a concept plan for a cluster development, a sketch plan shall be submitted by the applicant to facilitate an expedient review of proposed new subdivisions in conformance with this chapter and the Township Master Plan. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Board, the sketch plan shall include the information listed below:

(1) Steps 1 and 2 of the four-step design process, as outlined in § 550-101C.

(2) Schematic layout indicating a general concept for land conservation and development (bubble format is acceptable for this delineation of conservation areas).

(3) Site context map. A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For all sites, such maps shall be at a scale not less than one inch equals 1,000 feet, and shall show the relationship of the subject property to natural and man-made features existing within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography and streams (from USGS maps), state and/or federal wetlands, woodlands over 1/2 acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights-of-way, public land, and land protected under conservation easements.

B. Preliminary plan documents. The next step after the informal review of a concept is the formal application process. If the applicant forgoes the informal review, the applicant must provide the preliminary plan documents for formal subdivision review by the Planning Board. A preliminary cluster subdivision application shall be prepared in accordance with the following requirements, which are designed to supplement and, where appropriate, replace the requirements of Chapter 470, Subdivision of Land:

(1) The submission requirements of Chapter 470, Subdivision of Land; and

(2) Submission of the following documents generated by the four-step design process, as outlined in § 550-101C:

(a) Existing Resources Map;

(b) Potential Conserved and Developed Areas Map;

(c) Conceptual Development Map; and

(d) Proposed subdivision plan.

C. Four-step design process for cluster subdivisions. All sketch plans shall include Steps 1 and 2 of the four-step design process. All preliminary plans shall include documentation of the entire four-step design process in order to determine the layout of proposed conserved lands, house sites, streets and lot lines, as described below:

(1) Step 1: Preparation of Existing Resources Map.

(a) Unless otherwise specified by the Planning Board, such plans shall be prepared at the scale of one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a single standard-size sheet.

(b) The following information shall be included in this plan:

[1] Topography, the contour lines of which shall be at two-foot intervals, determined by photogrammetry (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from published

USGS maps). The determination of appropriate contour intervals shall be made by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15% and 25% and exceeding 25% shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks.

[2] The location and delineation of ponds, streams, and natural drainage swales as well as the one-hundred-year floodplains and wetlands, as defined by the State of New Jersey and the US Army Corps of Engineers.

[3] Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grass land, old field, hedgerow, woodland and wetland, isolated trees with a caliper in excess of 12 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.

[4] Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the Sussex County Soil Survey, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability). Classify soils into Land Capability Classes I through VIII.

[5] Ridgelines and watershed boundaries shall be identified.

[6] A viewshed analysis, including a photographic inventory, showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.

[7] The location and dimensions of all existing streets, roads, buildings, utilities (including existing wells and septic systems), and other man-made improvements located on all lands immediately adjacent to the subject site.

[8] Locations of all historically significant structures and elements on the tract and on any abutting tract.

[9] Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

[10] All easements and other encumbrances of property which are or have been filed of record with the Sussex County Clerk's Office shall be shown on the plan.

(2) Step 2: Delineation of conserved lands. Proposed conserved lands shall be designated using the Existing Resources Map as a base. The environmental inventory of the Township's Master Plan shall be utilized in the delineation

process. The delineation of conserved land shall be mapped into two categories: primary and secondary conservation areas. Primary conservation areas shall be delineated comprising the resources listed in Table 2a and as shown by example on Figure 2a. Secondary conservation areas shall be delineated comprising the resources listed in Table 2b and as shown by example on Figure 2b. The result is shown on Figure 2c, Potential Conserved and Development Areas.

Table 2a

Primary Conservation Areas

All zones shall include:

- Freshwater wetlands and ponds.
- Steep slopes of 25% or more.
- One-hundred-year floodplains, as shown on Federal Emergency Management Agency maps.
- Category 1 streams.

AR Zone (in addition to requirements for all zones) shall include:

- At least 60% of existing farmland where one or more of the following elements are present (listed in order of priority for preservation):
  1. Water supply.
  2. Soils classified as Land Capability Classes I, II or III.
  3. Tillable fields.
  4. Pasture lands.
  5. Managed wood lots.
  6. Orchards.
  7. Christmas tree farms.
  8. Housing.
  9. Structures for farms.

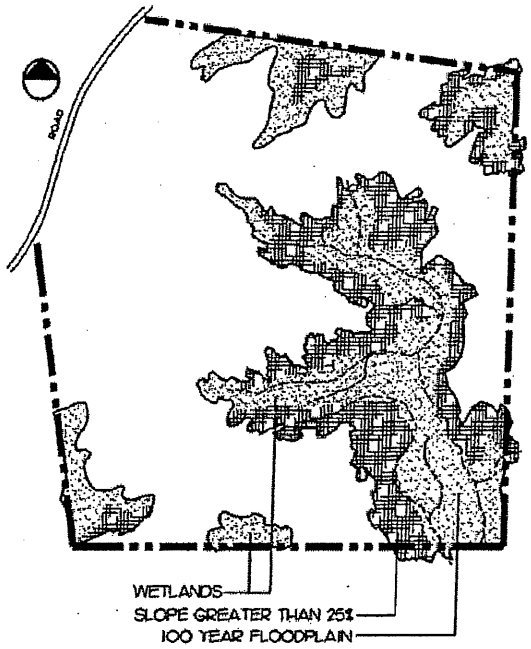


Figure 2a: Primary Conservation Areas

Table 2b

Secondary Conservation Areas

All zones shall include the following (listed in order of priority for preservation):

- Historic structures and elements of national, state or local importance as identified in the 2007 Fredon Master Plan.
- Scenic viewsheds to and from the site as identified in the 2007 Fredon Master Plan and Scenic Corridor Ordinance.
- Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species as determined by the New Jersey Natural Heritage Program or Landscape Project.
- Mature forests over 100 years old and isolated trees of minimum 24-inch caliper.
- Steep slopes of 15% to 25%.
- Riparian zones.
- Stone walls and hedgerows.
- Vegetation types by ecological niche.

RA Zone (in addition to requirements for all zones) shall include:

- Existing farmland where one or more of the following elements are present (listed in order of priority for preservation):
  1. Water supply.

Table 2b

Secondary Conservation Areas

2. Soils classified as Land Capability Classes I, II or III.
3. Tillable fields.
4. Pasture lands.
5. Managed wood lots.
6. Orchards.
7. Christmas tree farms.
8. Housing.
9. Structures for farms.

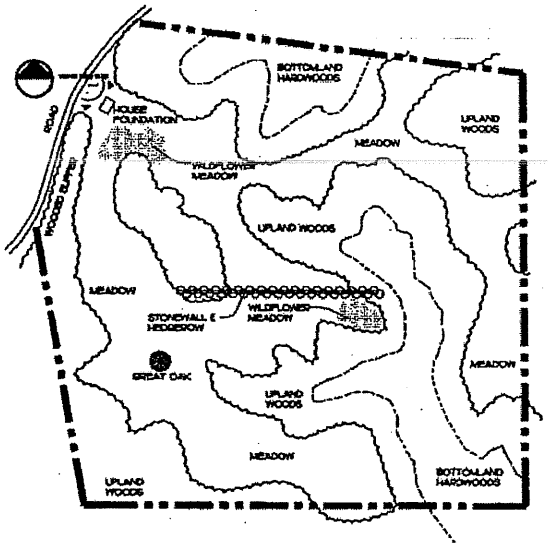


Figure 2b: Secondary Conservation Areas

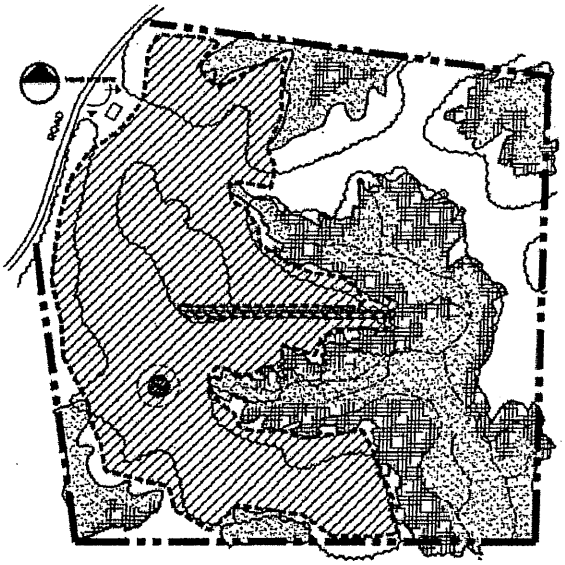


Figure 2c: Potential Conserved and Development Areas

(a) In accordance with § 550-102B, in order to execute a cluster subdivision design, the applicant shall conserve at least 60% of the total tract area. Once the potential conserved areas are mapped, calculations shall be provided indicating the acreage of conserved land and its percentage of the total tract. At a minimum, 60% shall be conserved. The required conserved land area shall consist of the totality of the primary conservation areas. Secondary conservation areas shall also be included in the required conserved land area if necessary to achieve the minimum area percentage requirements for conserved land. If the minimum 60% conserved tract area is still not achieved with the inclusion of the primary and secondary conservation areas, then land within the potential development area must be included to meet the minimum 60% requirement. However, where necessary to preserve existing farmland in the AR Zone, potential development areas shall be permitted to encroach into wetland transition areas, steep slopes and one-hundred-year floodplains, provided that Township, county and state ordinances are met.

(3) Step 3: Location of dwellings and streets. Dwellings should not be located closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas where necessary to achieve the minimum area percentage requirements for conserved land, taking into consideration the potential negative impacts of residential development on such areas. Upon designating the dwelling locations, a street plan shall be designed to provide vehicular access to each dwelling, complying with the New Jersey Residential Site Improvements Standards (RSIS), the standards identified herein and bearing a logical relationship to topographic conditions. Street crossings shall be permitted on undeveloped lands in secondary conservation areas, but shall be prohibited in primary conservation areas. The result is shown on Figure 3, Conceptual Development Map.

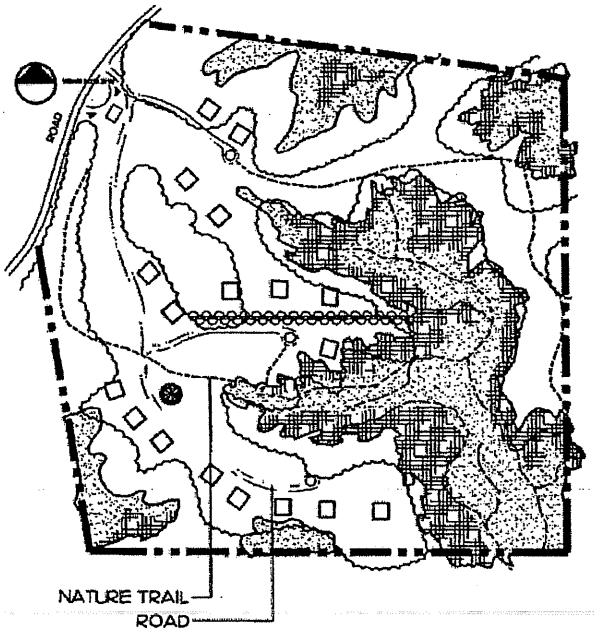


Figure 3: Conceptual Development Map

(4) Step 4: Drawing in the lot lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots. The result is shown on Figure 4, Proposed Subdivision Plan.

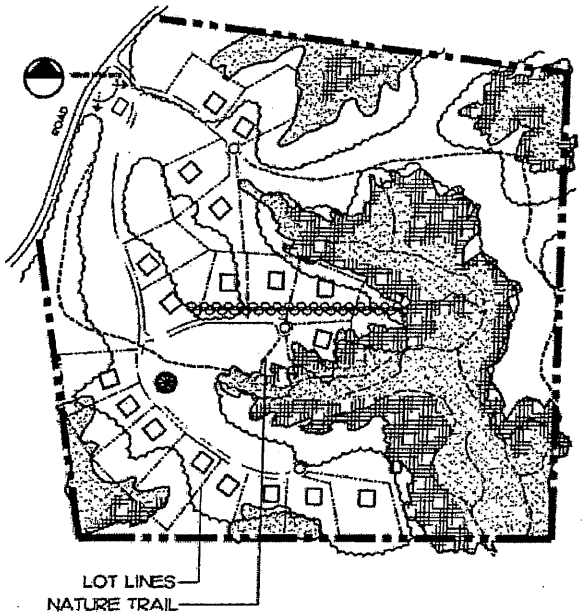


Figure 4: Proposed Subdivision Plan

§ 550-102. Area and bulk standards.

Except as specified herein, all area and bulk standards normally applicable to other subdivisions and uses shall also be applicable to cluster subdivision. For examples of how these area and bulk standards can be applied on a tract, please refer to the Cluster Subdivision Examples Nos. 1 and 2 located at the end of this chapter.

A. Minimum tract size. The minimum tract size eligible for clustering shall be 28 acres.

B. Minimum required conserved land. In all zoning districts, a cluster subdivision must preserve at least 60% of the tract's gross acreage as conserved land. The required conserved land area shall consist of the totality of the primary conservation areas. Secondary conservation areas shall also be included in the required conserved land area if necessary to achieve the minimum area percentage requirements for conserved land. If necessary to achieve the minimum 60% conserved area, lands located in the potential development areas shall also be included in the conserved land. Where more than 60% of a site's gross acreage is located within primary conservation areas, the entire primary conservation area shall be preserved and the site's permitted density shall be reduced in accordance with Subsection C(2) below. However, where necessary to preserve existing farmland in the AR Zone, potential development areas shall be permitted to encroach into wetland transition areas, steep slopes and one-hundred-year floodplains, provided that Township, county and state ordinances are met. The following additional requirements shall be met, where applicable:

(1) Where existing farmland is to be preserved, such farmland shall remain as a contiguous area and shall not be fragmented by the resulting cluster development.

(2) No portion of any house lot may be used for meeting the minimum required conserved land unless encumbered with a restriction.

(3) Those elements located in secondary conservation areas shall continue to be subject to the Township's environmental ordinances and shall be preserved to the greatest extent possible.

(4) Where the applicant and/or Planning Board determines that an element warranting preservation is located in the secondary conservation area, the applicant may preserve that element and reduce the lands preserved in the primary conservation area by an equal amount, up to 25% of the total parcel area.

C. Maximum density. The permitted number of dwelling units in a cluster subdivision shall not exceed the following requirements:

(1) Where 60% of a site's gross acreage is being conserved, the maximum number of dwelling units shall be as follows:

(a) AR Agricultural Residential Zone: one dwelling unit per seven acres of gross site area.

(b) RA Residential Agricultural Zone: one dwelling unit per seven acres of gross site area.

(c) R-6 Residential Zone: one dwelling unit per six acres of gross site area.

(2) Where more than 60% of a site's gross acreage is determined to be located within primary conservation areas, the maximum number of dwelling units shall be as follows:

(a) AR Agricultural Residential Zone: one dwelling unit per 2.8 acres of site acreage located outside of primary conservation areas.

(b) RA Residential Agricultural Zone: one dwelling unit per 2.8 acres of site acreage located outside of primary conservation areas.

(c) R-6 Residential Zone: one dwelling unit per 2.5 acres of site acreage located outside of primary conservation areas.

(3) Where the calculation of the maximum number of dwelling units in accordance with Subsection C(1) or (2) above results in a fraction of a unit, the applicant shall round up to the nearest whole number if the fraction is 1/2 or more.

D. Minimum lot size. The minimum lot size for single-family development in a cluster subdivision shall meet the following minimum lot size requirements:

(1) Where a tract's conserved land area includes land to be preserved for agricultural purposes, the lot size shall be no less and no greater than 2.0 acres, regardless of zoning designation. The remaining land area located in potential development areas shall be set aside as a dedicated buffer area, in accordance with § 550-103 below.

(2) For all other development, the minimum lot size shall be as follows:

(a) AR Agricultural Residential Zone: 2.5 acres.

(b) RA Residential Agricultural Zone: 2.5 acres.

(c) R-6 Residential Zone: 2.0 acres.

E. Minimum unit number threshold. Application of the requirements set forth in Subsections A through D above shall yield a minimum of four dwelling units.

F. Minimum lot width at building line: 100 feet.

G. Minimum street frontage: 50 feet.

H. Yard regulations. The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

(1) Front yard: 30 feet, except that lands subject to § 550-44, Scenic corridors, shall be subject to the front yard setback requirement detailed therein.

(2) Side yard: 20 feet.

(3) Rear yard: 40 feet.

I. Maximum impervious coverage. No more than 35% of any parcel shall be covered with impervious surfaces.

§ 550-103. Buffer areas.

A. Residential uses shall be buffered from land to be preserved for agricultural purposes by a minimum buffer area of at least 100 feet deep. Native species are encouraged.

B. No clearing of trees or understory growth shall be permitted in this buffer area. However, periodic removal of invasive alien plant and tree species may be permitted (refer to the Plant Conservation Alliance Working Group: http://www.nps.gov/plants/alien/factmain.htm#pllists).

C. Where this buffer area is unwooded, the Planning Board may require a plan detailing planting to provide a naturalized buffer (e.g., saplings of native plant material), or a management plan to encourage natural forest succession through no-mow policies and the periodic removal of invasive alien plant and tree species. The final plan shall be subject to Planning Board approval.

§ 550-104. Street design standards.

In addition to those design standards set forth in Article VI of this chapter, the following regulations apply to all cluster subdivisions:

A. Existing and future street connections are encouraged to eliminate the number of new culs-de-sac to be maintained by the Township and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Culs-de-sac are appropriate when they support greater open space conservation or provide extensive pedestrian linkages.

B. Regardless of the street design employed, the applicant shall demonstrate and the Planning Board shall find that emergency services access is adequate for the number of dwellings proposed.

C. From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by 90° and 135° bends are preferred in a more formal or traditional arrangement. However, all street geometry shall meet RSIS requirements, and adequate and proper sight distance in accordance with AASHTO and Chapter 219, Driveways, shall be provided along all sections of the roadway and driveways connected to the roadway.

D. Single-loaded streets are encouraged alongside conservation areas. The conservation areas should be immediately adjacent to at least one side of the street, with the dwellings on the opposite side. This design could include dwellings on both sides of the street as long as they are not directly opposite one another and they alternate locations with conserved land. This design will provide views of the conserved lands for residents and visitors.

E. Street trees shall be required in accordance with § 550-47B of this chapter, and survivability shall be assured in accordance with the requirements set forth therein.

§ 550-105. Sewage treatment systems.

All sanitary sewage disposal systems for cluster developments shall be subject to the regulations and approval of the Sussex County Health Department. Such systems may be located in the required open space lands such as on conservation meadows, village greens, and active or passive recreations areas, provided such areas are not paved or covered with other impervious surfaces. Sanitary sewage disposal systems of an individual nature may also be located within or extend into required open space areas. Regardless of the type of subsurface sewage disposal methods employed, all required separation distances shall be observed and the ownership and maintenance responsibilities associated therewith shall be clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district(s).

§ 550-106. Permanent protection of conserved land.

Conservation easements are the preferred method to protect open space under New Jersey State law. Other instruments, such as deed restrictions acceptable to the Township Attorney, may also be used to protect open space at the option of the applicant. Regardless of the method chosen, the permanent preservation of such open space shall be legally assured to the satisfaction of the Planning Board and Township Attorney. In all cases, the Township Board shall be granted third-party enforcement rights to enforce the terms of the easement or other legally binding instrument. The following regulations shall apply:

A. Conservation easements shall be titled to a private conservation organization, provided that:

(1) The conservation organization is acceptable to the Township; and

(2) A maintenance agreement acceptable to the Township is established between the owner and the conservation organization to insure perpetual maintenance of the open space.

B. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and shall give the Township the ability to enforce these restrictions. Further, the conservation easement or other legally binding instrument shall give the Township the power to impose liens on the conservation organization and/or individual property owners within the development in the event of violation of the terms of the easement. Under no circumstances shall any development be permitted in the open space at any time, except for the following uses:

(1) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow). The clearing of woodland shall generally be prohibited, except as determined to be necessary by the Planning Board.

(2) Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are fish farming, concentrated animal feeding operations (CAFOs) as defined by the U.S. Environmental Protection Agency, or commercial livestock operations involving swine, poultry, mink, ratites, and other animals likely to produce highly offensive odors.

(3) Game preserve, wildlife sanctuary, or other similar conservation use.

(4) Woodlots, arboreta, and silviculture in keeping with established standards for selective harvesting and sustained-yield forestry.

(5) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Board.

(6) Active noncommercial recreation areas.

(7) Golf courses may comprise the required open space land, but shall not include miniature golf. Their parking areas and any associated structures shall not be included within the open space requirement; their parking and accessways may be paved and lighted.

(8) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space area.

(9) Easements for drainage, access, sewer or water lines, or other public purposes.

(10) Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required open space land.

§ 550-107. Ownership of conserved land and common facilities.

The following methods may be used, either individually or in combination, for ownership of conserved land (exclusive of its conservation easement) and common facilities. Conserved land and common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section. Ownership methods shall conform to the following:

A. Homeowners' association. Conserved land and common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in New Jersey State regulations. In addition, the following regulations shall be met:

(1) The applicant shall provide the Township with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

(2) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.

(3) Membership in the association shall be mandatory for each property owner within the subdivision and successive owners in title with voting of one vote per lot or unit, and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units.

(4) The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.

(5) The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his or her dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

(6) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Township no less than 30 days prior to such event.

(7) The association shall have adequate resources to administer, maintain, and operate such common facilities.

B. Noncommon private ownership. The required open space land may be included within one or more large conservancy lots, provided the open space is permanently restricted from future development, except for those uses listed in § 550-106B.

§ 550-108. Maintenance.

Unless otherwise agreed to by the Planning Board, the cost and responsibility of maintaining common open space and facilities shall be borne by the homeowners' association, conservation organization, private owner, or, in the case of open space and facilities deeded to the Township, the municipality.

ARTICLE XIX
Environmentally Constrained Areas

§ 550-109. Steep slopes.

A. Purpose. It is the purpose of this section to protect the health, safety and welfare of people and property within the Township of Fredon from improper construction, building and development on steep slope areas in the Township of Fredon, and more particularly, but without limitation, to reduce the peculiar hazards which exist in steep slopes areas by reason of erosion, siltation, flooding, soil slippage, surface water runoff, pollution of potable water supplies from nonpoint sources, destruction of unique and scenic vistas, and it is a further purpose of this section to encourage appropriate planning, design and development sites within steep slopes areas which preserve and maximize the best use of the natural terrain and maintain ridgelines and skylines intact.

B. Exemptions.

(1) A land disturbance/construction permit is required for any work or disturbance affecting a slope area, except when the area of the proposed work or disturbance:

(a) Contains no slopes greater than 10%, nor any slope greater than 15% within 100 feet, and the work or disturbance meets each of the following maximum standards:

[1] Soil disturbance of five cubic yards or less;

[2] Change in impervious ground cover of 200 square feet or less;

[3] Removal of five trees or less, having a DPM of up to 20 inches each; and

[4] Removal or disturbance of trees or shrubs covering 200 square feet or less.

(b) Contains no slopes greater than 15%, nor any slope greater than 20% within 100 feet, and the work or disturbance meets each of the following maximum standards:

[1] Soil disturbance of three cubic yards or less;

[2] Change in impervious ground cover of 100 square feet or less;

[3] Removal of three trees or less, having a DPM of up to 20 inches each; and

[4] Removal or disturbance of trees or shrubs covering 100 square feet or less.

(c) Contains slopes greater than 15% and the work or disturbance meets each of the following maximum standards:

[1] Soil disturbance of one cubic yard or less;

[2] Change in impervious ground cover of 25 square feet or less;

[3] Removal of one tree or less, having a DPM of up to 20 inches; and

[4] Removal or disturbance of trees or shrubs covering 25 square feet or less.

(d) All items described in Subsection B(1)(a), (b) and (c) above represent a cumulative total per lot.

(2) Additions to a single-family residence shall be exempt from the impervious coverage and lot disturbance provisions of this section if each of the following conditions exist:

(a) That the size of any one story addition, deck, patio or excavation is less than 200 square feet. Soil logs and testing for future subsurface disposal systems shall not be exempted.

(b) That no slope greater than 10% exists within 20 feet of the area to be disturbed.

(c) The applicant provides plans or a written statement describing soil erosion and stabilization measures which will be used as part of construction.

C. Application for permit. An application for a land disturbance/construction permit shall be made to the Township's Construction Official. The application shall include at least the following:

(1) Property description by Tax Map block and lot, and by street address if available.

(2) Sketch of location of proposed work or disturbance. An informal sketch is acceptable.

(3) Statement of proposed work or disturbance.

(4) Where site plan or subdivision approval is required, the following exhibits shall also be submitted:

(a) Topographic map showing existing contours at two-foot intervals.

(b) Areas clearly identified showing the following, as measured between ten-foot contour lines: Area 1, 30% slopes or greater; Area 2, 20% slopes but less than 30% slopes; Area 3, 15% slopes but less than 20% slopes; Area 4, less than 15% slopes.

(c) Calculation, in square footage and acres, of amount of area in the various slope categories listed above.

(d) The time period of exposure of erodible soils during construction.

(e) The area and density of woodlands and forest, within the construction site and on contiguous lands for a distance of 200 feet, or such other distance as deemed appropriate by the Township Engineer. All trees having a DPM of six inches or greater, on slopes 15% or greater, shall be indicated on the application plans as well as physically marked on the construction site.

(f) The extent of impervious surface to be constructed.

(g) Location of construction access roads.

(h) Calculation of amount of site grading, to include a cut-and-fill balance sheet, including cross sections, and indicating, where applicable, the volume of and source of off-site fill.

(i) Extent of on-site erosion sediment control measures, during and after construction and until any affected area is stabilized.

(j) Any other information as is reasonably necessary to make an informed decision, as determined by the Township Engineer.

D. Application review and standards of approval.

(1) The Township Engineer shall review every slope area application to determine whether the proposed work or disturbance may have a detrimental impact upon any slope area. Such review shall include at least an on-site inspection. The Engineer's inspection shall be made as soon as possible considering the extent of the work necessary to evaluate the application.

(2) The Township Engineer shall approve only those applications where the proposed work or disturbance will:

(a) Have no reasonably avoidable detrimental impacts.

(b) Control velocity and rate of water runoff so that such velocity and rate are no greater after construction and development than before, and are within tolerances deemed safe by the Township Engineer, and the project or site plan complies with all other provisions of the Township Code.

(c) Minimize stream turbidity and changes in flow.

(d) Protect environmentally vulnerable areas.

(e) Stabilize exposed soils both during and after construction and development.

(f) Prevent soil slippage.

(g) Minimize number and extent of cuts to prevent groundwater discharge areas to underlying soils.

(h) Preserve the maximum number of trees and other vegetation on the site and avoid disturbance of the critical hillside, slope and forest areas.

(3) The Township Engineer may impose such conditions upon any approval as said Engineer deems necessary to achieve the purposes of this chapter. All permanent improvements necessary to achieve the purposes of this chapter shall be bonded in the same manner as set forth in Chapter 470, Subdivision of Land, and Chapter 424, Site Plan Review, except that a maintenance bond shall continue for two years after complete stabilization.

(4) Any approval may be subject to the condition that, for safety reasons, the applicant provide and adhere to a detailed construction and inspection schedule, copies of which shall be supplied to the Township Construction Official for the purpose of monitoring the progress of the work and compliance with the construction schedule. Said approval may be further conditioned upon submission of periodic certifications by the applicant as to compliance with the construction schedule, and, in the event of noncompliance, written assurance as to the nature and time when steps will be taken to achieve compliance with the construction schedule.

(5) If the applicant does not comply with the construction schedule or any other requirements or conditions attached to the approval of the application, and the Township Engineer or the Township Construction Official certifies such lack of compliance, the Township Construction Official shall thereupon revoke approval of the application, after notice to the applicant, and no further work may be performed on such site with the exception for temporary measures necessary to stabilize the soil and to protect the site from stormwater damage or other hazards created by construction activity on the site.

E. Impervious coverage and disturbance. In areas of slopes greater than 15%, the applicable provisions of this chapter relating to maximum percentage of impervious coverage shall be modified, and the following limitations of maximum impervious coverage, location of impervious surfaces, and maximum lot disturbance shall be applicable.

(1) Maximum impervious coverage.

(a) The maximum impervious coverage area for each building lot shall be determined by multiplying the total land area in various slope categories by the following factors, totaling the results and multiplying the result by the maximum lot coverage percentage allowed for the appropriate zone. Slope calculations shall be based on elevation intervals of 10 feet.

Slopes	**Factor**
30% or greater	0.25
20% but less than 30%	0.50
15% but less than 20%	0.75
Less than 15%	1.00

(b) Where the modified maximum impervious coverage area is less than the minimum gross floor area required for the proposed building, the minimum gross floor area required shall be the modified maximum impervious coverage area.

(2) Location of impervious surfaces. The maximum impervious coverage for a building lot, determined in § 550-109.e.1. above, may only be permitted within slope areas as calculated by multiplying the total land area in various slope categories by the following percentages and totaling the results.

Slopes	Percentage
30% or greater	10%
20% but less than 30%	15%
15% but less than 20%	25%
Less than 15%	35%

(3) The maximum lot disturbance shall be no greater than 130% of the maximum impervious coverage permitted for the lot.

(4) Setbacks of all structures necessary for slope area stabilization shall be sufficient to allow for any future maintenance that may be necessary.

(5) All land required to be maintained as permanent open space shall be indicated as such on any approved plans.

F. Review and inspection fees.

(1) An application filing fee plus a review fee, as set forth in Article VIII of Chapter 45, Land Use Procedures, shall be deposited with the Township Clerk. If additional review fees are required, the applicant shall deposit with the Township Clerk an amount equal to the new estimated review fee.

(2) Inspections shall be required before and during stabilization and upon completion of the work or disturbance, during and for two years after complete stabilization, or for any other reasonable time, as determined by the Township Engineer, to insure the purposes of this chapter are met. No permit will be issued until a deposit is placed with the Township Clerk equal to the estimated inspection fee, as set forth in Article VIII of Chapter 45, Land Use Procedures. If additional inspection fees are required, applicant shall deposit with the Township Clerk an amount equal to the new estimated inspection fee before any work can continue. The inspection fee deposit account shall remain for two years after complete stabilization.

(3) Any deposit accounts shall be maintained at levels sufficient at all times to cover all estimated fees or work may be halted. The Township Clerk will keep the Township Engineer aware of account balances as necessary.

G. Inspection for tree trimming.

(1) Where site plan or subdivision approval is required, the slope area land disturbance/construction permit review will be performed along with that approval process, and the applicant will submit copies of all required information to the Planning Board or Zoning Board of Adjustment, as applicable. Although neither board can grant or deny a land disturbance/construction permit (except for an appeal under Subsection J below), each board shall consider all plans submitted under this chapter in any application for site plan or subdivision approval affecting a slope area.

(2) Where a homeowner meets the minimum requirements of this section, the Township has the right to inspect, unless the tree trimming and removal is part of an approved forestry management plan.

H. Township liability. The granting of any permit or approval in any slope area shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against such public body, official or employee for any damage that may result pursuant thereto.

I. Penalties. In addition to penalties already provided in § 550-18, the court may order any person convicted of violating this chapter to pay the Township all costs for, and associated with, necessary stabilization or corrective measures, as determined by the Township Engineer.

J. Appeal. The Planning Board shall have the power to hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, decision (including review and inspection fees under Subsection F) or refusal made by the Township Engineer based on or made in the enforcement of this chapter. All such appeals under this chapter from the decisions of the Township Engineer shall be taken within 20 days by filing a notice of appeal with the Township Engineer specifying the grounds of such appeal. The Township Engineer shall immediately transmit to the Planning Board all papers constituting the record upon which the action appealed from was taken. All such appeals shall be heard by the Planning Board upon notice given by the applicant. The Planning Board may permit, or require, the record on appeal to be supplemented with such documents or other evidence or information as are reasonably necessary to make an informed decision as to whether the requirements of this section have been met.

§ 550-110. Tree removal and protection.

A. Purpose. The following provisions are intended to control and regulate the indiscriminate or excessive removal, large-scale clear-cutting and destruction of trees and to control, regulate and prevent conditions which cause an increase in stormwater runoff, decrease aquifer recharge, impair the ambiance or physical appearance of an individual property or neighborhood, or unreasonably and/or unnecessarily diminish the natural vegetative screening or natural landscape viewsheds.

B. Exemptions. Exempt from this section are subdivisions, site plans, amended subdivisions and amended site plans that have been approved prior to the effective date of this section and any tree removal as part of an approved forestry management plan.

C. Tree removal requirements for major and minor subdivisions and site plans. Each application to the Planning Board and/or Zoning Board of Adjustment for approval of a major or minor subdivision or a site plan that proposes or requires the removal of trees, to ensure compliance with this section, shall include a tree removal proposal. The proposal shall include the following information:

(1) A list of trees to be removed with a DBH equal to or greater than six inches identified by size and species, including total number of each species to be removed;

(2) Purpose of tree removal (new construction, street or roadway, driveway, utility easement, recreation areas, parking lot, etc.);

(3) Proof that there are no delinquent property taxes or assessments due on the property for which the application is submitted; and

(4) Such other information as may be deemed necessary in order to effectively review the proposal.

D. Landscape plan. The following information shall be provided on a landscape plan prepared by an architect, professional engineer or planner and submitted with the proposal for tree removal. For major subdivisions and site plans, the preparation of landscaping plans shall be prepared by a certified landscape architect (CLA). The landscape plan must be submitted and approved prior to tree removal.

(1) Base information.

(a) Location of existing tree stands or groups of trees within the property boundaries.

(b) Location of individual trees with a DBH equal to or greater than six inches identified by size and species within the area of development and/or limits of disturbance.

(c) Location of individual existing trees and their driplines noted for preservation within the area of development and/or limits of disturbance identified by size and species. Where clusters of trees exist on the site or are contiguous with adjacent sites, fragmentation of the cluster shall be avoided where practical.

(d) Location of all required replacement trees.

(e) Clear labeling of the area(s) intended for tree or vegetation removal.

(f) Tree protection material details and limit of disturbance line.

(g) Location of existing and proposed buildings or structures.

(h) All bodies of water and wetlands, including water retention and detention areas.

(i) Location of all existing driveways and parking areas.

(2) Design requirements.

(a) Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible.

(b) No more than 60% of the existing tree canopy within the property boundaries shall be removed. The location of the remaining 40% of the tree canopy shall be preserved and shall be noted on the landscape plan. Steep slope limits of disturbance shall supersede this subsection when appropriate.

(c) No more than 10% of existing trees with a DBH equal to or greater than 10 inches within the area of development or limits of disturbance shall be removed unless the applicant shall replant trees removed in accordance with Subsection E below.

(d) The approving authority shall have the discretion to seek input from the Fredon Township Environmental Commission for recommended areas of tree preservation.

(e) Landscape standards may be waived by the approving authority when trees and/or shrub masses are preserved and/or relocated on-site that effectively substitute for the landscape requirements contained in this section.

(f) The approving authority shall have the option of requiring a conservation easement to protect any or all trees or tree canopy areas to remain on site. All trees, vegetation and plantings proposed and/or required to be preserved or established shall be protected by means of a conservation easement which shall name the Township of Fredon, in the County of Sussex, as a third-party beneficiary thereof, having the right, but not the obligation, to enforce same by any legal or equitable means with the cost of such enforcement action, including reasonable attorney's fees, being awarded to the prevailing party.

(3) Site protection.

(a) Tree-protection measures and the limits of disturbance line shown on the landscape plan shall be provided in the field with snow or silt fencing or other durable material and verified by the Township Engineer or other designated official prior to soil disturbance.

(b) Protective barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers shall be a minimum of two feet high and shall last until construction is complete.

(c) Permanent fencing may be required for tree protection if warranted by site conditions and relative rarity of the plant.

(d) Snow or silt fencing used for tree protection shall be firmly secured along the dripline, but shall be not less than six feet from the trunk.

(e) The grade of the land located within the drip line shall not be raised or lowered more than six inches unless compensated by welling or retaining

wall methods; and in no event shall welling retaining walls be less than six inches from the trunk of a tree.

(f) No soil stockpiling, storage of building materials, construction equipment or vehicles shall be permitted within the dripline or within six feet of any remaining trees, whichever is greater.

(g) Any clearing within the dripline, or within six feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.

(h) Where a tree that has been noted for preservation is severely damaged or diseased and is unable to survive, tree replacement shall occur as provided in Subsection F below.

E. Tree replacement and reforestation. The replacement of trees shall occur as prescribed in the following schedule:

Caliper of Existing Tree Removed (inches)	**Number of Replacement Trees (three-inch caliper)**
Less than 6	1
Between 6 and 12	3
Between 12 and 18	4
Between 18 and 24	5
Between 24 and 30	7
Between 30 and 36	10
36 or greater	The equivalent of three-inch caliper trees or greater needed to equal that DBH of the removed tree

(1) Replacement tree(s) shall be of nursery stock, balled and burlapped. Where, because of unusual conditions relating to the site in question, it is impractical to fully comply with the tree replacement schedule set forth hereinabove, the approving authority shall have the option of approving an alternative tree replacement schedule for other areas of the site or for other sites.

(2) Replacement trees shall be selected from the following (common name) species: red maple, sugar maple, hickory, Kentucky coffee tree, sweetgum, black gum, sassafras, pin oak, red oak, scarlet oak, white oak, sweet birch, yellow birch, river birch, white ash, green ash, tulip tree, American holly, Norway spruce, white pine, eastern red cedar, eastern redbud, rivet birch, serviceberry, Allegheny serviceberry, flowering dogwood, Washington hawthorne, sweetbay magnolia and witch hazel.

(3) The planting of replacement tree(s) shall be done by or supervised by a person with horticultural training in tree care and planting methods.

(4) Newly planted replacement trees shall be monitored for a period of one year to ensure the health of the trees. Any tree planted which does not survive for a period of one year from the date of planting shall be replaced with a tree of the same or similar species.

F. Inspection.

(1) Prior to taking final action upon any application for tree removal, an inspection of the site may be made as appropriate by the Township Engineer to assist the approving authority in administering the application.

(2) All individual trees proposed for removal and all groups or stands of trees proposed for removal shall be clearly marked to facilitate inspection by the approving authority or its representative.

(3) The Township Engineer shall periodically inspect the site throughout the duration of construction in order to ensure compliance with this section. Such inspection shall be made of the site referred to in the application, and of contiguous lands, as well as of lands in the vicinity of the application, for the purpose of determining drainage conditions and physical conditions existing thereon.

G. Notice of commencement of tree removal.

(1) The Township Engineer shall be notified in writing at least seven business days prior to the tree-removal activity.

(2) The notice shall include information as to the manner of disposal of the removed trees.

(3) Dead or diseased trees shall not be turned into mulch and applied to the site, but shall be disposed of in a manner so as to not disease other trees on site.

H. Bond. The Township Attorney and Township Engineer shall be consulted as to the establishment of a bond for the vegetation for the one-year period. This shall be done as a separate bond that is released upon the planner's or engineer's inspection and verification as to the health of the plants. The engineer shall also identify any need for additional funds for inspection fees based on this section.

§ 550-111. Endangered and threatened species protection.

A. Purpose. The purpose of this section is to preserve, protect and enhance environmentally distinct, fragile and valuable fish and wildlife habitat areas for present and future generations, while also allowing for reasonable use of private property. This section intends to conserve the functional integrity of the habitats needed to perpetually support fish and wildlife populations.

B. Applicability. The requirements of this chapter shall apply to the following projects:

(1) All subdivision applications and/or site plan applications. Applicants for such projects shall document the occurrence of threatened and endangered species on the property to be developed and shall identify critical habitat areas needed to

provide for the survival of any local populations of these species. Such documentation shall be submitted as a prerequisite to a complete application.

(2) Amended subdivision or site plan applications. Applicants for such projects shall submit documentation as set forth in Subsection D(4) below to the extent that it identifies species and critical habitat areas associated with any modifications to the original plan.

C. Exemptions. The following shall be exempt from the requirements of this chapter:

(1) All agricultural operations, except for new dwelling units, conducted in accordance with a cluster subdivision plan are specifically exempt from the requirements of this chapter.

(2) Any variance applications to the Zoning Board of Adjustment not involving a site plan or subdivision application shall be exempt from the requirements of this chapter unless specifically requested by the Board. The Zoning Board of Adjustment shall inform the applicant regarding any information that may be required.

D. Performance standards and requirements.

(1) No development shall be allowed where such development would present avoidable adverse impacts to habitat that is critical to the survival of local populations of threatened or endangered species. Avoidable adverse impacts occur when a proposed project results in significant or temporary adverse impacts for which there are reasonably practicable mitigation measures, and for which there are reasonable alternatives to the proposed project that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts. Adverse impacts include the reduction of contiguous lands that provide linkages of habitat.

(2) All development shall be carried out in a manner which avoids disturbance to distinct fish and wildlife habitats that are used by or necessary for endangered and threatened species to sustain themselves successfully in the Township of Fredon.

(3) No construction, grading or vegetation removal shall take place in critical habitat areas during breeding or mating of threatened and endangered species, and protection for the critical habitat area appropriate to the species shall be provided.

(4) Required projects shall demonstrate compliance with this section through submission of either one of the following:

(a) Affidavit of site visit. If the parcel proposed for land clearing or development is less than one acre in size and is surrounded on at least 50% of its boundaries by developed land, is not contiguous to any property which exhibits or contains land cover or other conditions likely to serve as habitat for any threatened or endangered species, which when added to the parcel equals one acre or more, an affidavit that a qualified field biologist or ecologist has visited the site and is of the opinion that the parcel does not serve as habitat for any threatened or endangered species;

(b) Field assessment. A field assessment of the parcel proposed for land clearing or development together with an affidavit, prepared and sworn to by a qualified field biologist or ecologist, stating that a field inspection of the parcel proposed for land clearing or development indicates that there is no reasonable likelihood that the parcel serves as habitat for any threatened or endangered species. For the purpose of this field assessment, the presence of land cover likely to serve as habitat for any such species shall be deemed to be evidence that the parcel proposed for land clearing or development is likely to serve as habitat for such species; or

(c) Mitigation plan. If potential impacts are unavoidable, the applicant may submit a mitigation plan, prepared and sworn to by a qualified field biologist or ecologist, demonstrating that the proposed land clearing or development will create no net loss of either predevelopment habitat quantity or quality and will provide a net benefit of habitat quantity or quality. Further, if contiguous lands linking habitat have been disconnected or fragmented due to development, the mitigation plan shall include means to create the same or greater quantity of contiguous lands devoted to that habitat. Such mitigation shall be achieved through reliable in-kind, in-proximity habitat restoration, enhancement, and replacement (creation) measures. Mitigation plans shall contain the following performance measures:

[1] Success criteria. The mitigation plan must clearly define the methods to meet mitigation goals and standards and list the criteria for measuring success;

[2] Criteria and a timeline for formal determination that the mitigation goals and standards have been met;

[3] Provisions for long-term protection and management of the site, if appropriate;

[4] A reporting schedule for identifying progress toward achieving the mitigation goals and standards and any modification of mitigation measures. Mitigation goals and standards must be achieved within a reasonable time frame to benefit the affected fish and wildlife species;

[5] If such measures cannot be achieved be achieved, the approving agency shall recommend against or shall not authorize the proposed development action.

E. Current information. Site surveys or field assessments must be current to within 30 days of the date of application for subdivision or site plan, as the case may be. Should the subdivision or site plan approval expire, or should a period of 75 days elapse between the date of adoption of the memorializing resolution of preliminary, final, subdivision or site plan approval and the issuance of a land disturbance/construction permit, the developer shall be required to have the site survey or field assessment updated or a new site survey or field assessment performed prior to the issuance of a new land use disturbance/construction permit or commencement of work.

§ 550-112. Riparian buffer conservation.

A. Intent and purpose. The governing body of the Township of Fredon finds that riparian lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the surface water bodies within the jurisdiction of the Township of Fredon, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this section is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the Township of Fredon; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within the Township of Fredon; to protect the riparian and aquatic ecosystems of the Township of Fredon; to provide for the environmentally sound use of the land resources of the Township of Fredon, and to complement existing state, regional, county, and municipal stream corridor protection and management regulations and initiatives. The specific purposes and intent of this section are to:

(1) Restore and maintain the chemical, physical, and biological integrity of the water resources of the Township of Fredon;

(2) Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed flow prior to reaching receiving waters;

(3) Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;

(4) Provide for the availability of natural organic matter (leaves and twigs) and large woody debris (trees and limbs) that provide food and habitat for aquatic organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;

(5) Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing streambank erosion and sedimentation and protecting habitat for aquatic organisms;

(6) Maintain base flows in streams and moisture in wetlands;

(7) Control downstream flooding; and

(8) Conserve the natural features important to land and water resources, e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

B. Establishment of riparian zones.

(1) Riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

(a) The riparian zone shall be 300 feet wide along both sides of any Category 1 water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed. This includes Special Water Resource Protection Areas or SWRPAs as defined herein and shown on the USGS quadrangle map or in the county soil surveys within the associated HUC 14 drainage, pursuant to the stormwater management rules at N.J.A.C. 7:8-5.5(h).

(b) The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:

[1] Any trout production water and all upstream waters (including tributaries);

[2] Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body;

[3] Any segment of a water body flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body; and

[4] Any segment of a surface water body flowing through an area that contains acid-producing soils.

(c) For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

(2) Riparian zones outside surface water body.

(a) The portion of the riparian zone that lies outside of a surface water body is measured landward from the top of bank. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

[1] Along a linear fluvial or tidal water, such as a stream or swale, the riparian zone is measured landward of the feature's center line;

[2] Along a nonlinear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;

[3] Along a nonlinear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and

[4] Along an amorphously shaped feature such as a wetland complex, through which water flows but which lacks a definable channel, the riparian zone is measured landward of the feature's center line.

(b) Where slopes (in excess of 15%) are located within the designated widths, the riparian zone shall be extended to include the entire distance of this sloped area to a maximum of 300 feet.

(c) For areas adjacent to surface water bodies for which the floodway has been delineated per the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-3 or the state's adopted floodway delineations, the riparian zone shall cover the entire floodway area, or the area described in Subsection B(1)(a) or (b) above, whichever area has the greatest extent. Requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection for consideration if site-specific information is available.

(3) A riparian zone is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the riparian zone differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:

(a) Building permit.

(b) Zoning variance.

(c) Special exception.

(d) Conditional use.

(e) Subdivision/land development approval.

(4) It shall be the duty of the Township Engineer, every second year after the adoption of this section, to propose modifications to the map delineating riparian zones required by any naturally occurring or permitted change in the location of a defining feature of a surface water body occurring after the initial adoption of the riparian zone map, to record all modifications to the riparian zone map required by decisions or appeals under Subsection I, and by changes made by the New Jersey Department of Environmental Protection in surface water classifications or floodway delineations.

(5) The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area on any plan submitted to the Township of Fredon in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Township Engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.

(6) Exemptions. Instead of the riparian zone protection requirements above, the applicant must demonstrate compliance with one of the following:

(a) The proposed project or activity is not in the riparian zone established at Subsection B(1) above;

(b) The proposed disturbance in a riparian zone is for a linear development with no feasible alternative route. If the riparian zone is associated with Category 1 waters, the linear development must also meet the requirements for Special Water Resource Protection Areas under the Stormwater Management rules at N.J.A.C. 7:8-5.5(h);

(c) The proposed disturbance in a riparian zone is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;

(d) The proposed disturbance of a riparian zone is necessary to provide for public pedestrian access or water-dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E;

(e) The proposed disturbance of a riparian zone is required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq.;

(f) The proposed disturbance is for redevelopment that does not exceed the limits of existing impervious surfaces;

(g) The proposed disturbance would prevent extraordinary hardship on the property owner peculiar to the property; or prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment; and/or

(h) Demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20% or greater slope, except as allowed under Subsection B(6)(f) and (g) above.

C. Uses permitted in riparian zones.

(1) For riparian zones in Category One waters (C1 waters), permitted uses are governed by the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, unless otherwise exempt.

(2) Any other riparian zone area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this section may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no altering of watercourses, dumping of trash, soil, dirt, fill,

vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the municipality in riparian zones. No new construction, development, use, activity, encroachment, or structure shall take place in a riparian zone, except as specifically authorized in this section. The following uses shall be permitted within a riparian zone:

(a) Open space uses that are primarily passive in character shall be permitted by right to extend into a riparian zone, provided near-stream vegetation is preserved. These uses do not require approval by the Zoning Enforcement Officer or compliance with an approved riparian zone management plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trail have been stabilized with pervious materials.

(b) Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation.

(c) Crossings by farm vehicles and livestock, recreational trails, roads, railroads, stormwater lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Enforcement Officer, provided that any applicable state permits are acquired, and provided that any disturbance is offset by buffer improvements in compliance with an approved riparian zone management plan and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.

(d) Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved riparian zone management plan, or wetlands mitigation projects that have been approved by the New Jersey Department of Environmental Protection, subject to approval by the Zoning Enforcement Officer and subject to compliance with an approved riparian zone management plan.

D. Performance standards for riparian zones.

(1) All encroachments proposed into riparian zones in C1 waters shall comply with the requirements of the stormwater management rule at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.

(2) For all other riparian zones, the following conditions shall apply:

(a) All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the riparian zone to accommodate primary

structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.

(b) Portions of lots within the riparian zone must be permanently restricted by deed or conservation easement held by the Township of Fredon, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the riparian zone. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county must be submitted to the municipality. The applicant shall not commence with the project or activity prior to making this submittal and receiving actual approval of the plan modification and receipt of any applicable permits from the New Jersey Department of Environmental Protection. The recorded conservation restriction shall be in the form approved by the municipality and shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make de minimus changes to accommodate necessary regulatory approvals upon the written consent of the municipality, provided such changes are otherwise consistent with the purpose and intent of the conservation restriction. The recorded conservation restriction shall, at a minimum, include:

[1] A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);

[2] Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes on-site. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format defined by the municipality. The flags or stakes shall be numbered and identified on the survey plan; and

[3] A copy or copies of deeds for the property as a whole that indicate the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county.

(c) Any lands proposed for development which include all or a portion of a riparian zone shall as a condition of any major subdivision or major site plan

approval, provide for the vegetation or revegetation of any portions of the riparian zone which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and noninvasive tree and plant species to the maximum extent practicable in accordance with an approved riparian zone management plan, described in Subsection H.

(d) For building lots which exist as of the date of adoption of this section, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the riparian zone, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the riparian zone.

(e) All stormwater shall be discharged outside of but may flow through a riparian zone and shall comply with the standard for off-site stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (see N.J.A.C. 2:90-1.3.).

(f) If stormwater discharged outside of and flowing through a riparian zone cannot comply with the standard for off-site stability cited in Subsection D(2)(e), then the proposed stabilization measures must meet the requirements of the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-10.2 et seq., and have an approved flood hazard area permit.

E. Nonconforming structures and uses in riparian zones. Nonconforming structures and uses of land within the riparian zone are subject to the following requirements:

(1) Legally existing but nonconforming structures or uses may be continued.

(2) Any proposed enlargement or expansion of the building footprint within the riparian zone of a C1 water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

(3) For all other riparian zones:

(a) Encroachment within the riparian zone shall only be allowed where previous development or disturbance has occurred and shall be in conformance with the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

(b) Existing impervious cover shall not be increased within the riparian zone as a result of encroachments where previous development or disturbances have occurred.

(c) Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the riparian zone, as measured against the intent and purpose

under Subsection A, than the existing or former nonconforming use. This one-year time frame shall not apply to agricultural uses that are following prescribed best management practices for crop rotation. However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this section.

F. Uses prohibited in riparian zones.

(1) Any use within a riparian zone of a C1 water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

(2) For other riparian zones, any use or activity not specifically authorized in Subsection C or Subsection E shall be prohibited within the riparian zone. By way of example, the following activities and facilities are prohibited:

(a) Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.

(b) Storage of any hazardous or noxious materials.

(c) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.

(d) Roads or driveways, except where permitted in compliance with Subsection C.

(e) Motor or wheeled vehicle traffic in any area, except as permitted by this section.

(f) Parking lots.

(g) Any type of permanent structure, except structures needed for a use permitted by Subsection C.

(h) New subsurface sewage disposal system areas. The expansion and replacement of existing subsurface sewage disposal system areas for existing uses is permitted.

(i) Residential grounds or lawns, except as otherwise permitted pursuant to this section.

G. Activities permitted in riparian zones in the case of no reasonable or prudent alternative or extreme hardship.

(1) For riparian zones in C1 waters, requests for exemptions must be authorized by the New Jersey Department of Environmental Protection, as per the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

(2) For other riparian zones, hardship variances may be granted by the Zoning Board of Adjustment in cases of a preexisting lot (existing at the time of adoption of this section) when there is insufficient room outside the riparian zone for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements, and provided the following demonstrations are made:

(a) An applicant shall be deemed to have established the existence of an extreme economic hardship, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or if it is developed in accordance with provisions of this section and that this inability to yield a reasonable economic return results from unique circumstances peculiar to the subject property which:

[1] Do not apply to or affect other property in the immediate vicinity;

[2] Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and are not the result of any action or inaction by the applicant or the owner or his predecessors in title;

[3] The necessity of acquiring additional land to locate development outside the riparian zone shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent land that is reasonably available or could be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity.

(b) An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts that one of the following applies:

[1] The proposed project will serve an essential public health or safety need;

[2] The proposed use is required to serve an existing public health or safety need; or

[3] There is no alternative available to meet the established public health or safety need.

(c) A variance can only be granted if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, including but not limited to the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, and that the exception granted is the minimum relief necessary to relieve the hardship.

(3) If such an exception is granted, the applicant shall rehabilitate an environmentally degraded riparian zone area within or adjacent to the same site, and at least equivalent in size to the riparian zone reduction permitted, or, if not possible,

rehabilitate or expand a riparian zone area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization and removal of debris, in accordance with a riparian zone management plan, as described in Subsection H below.

H. Riparian zone management plan.

(1) Within any riparian zone, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a riparian zone management plan.

(2) Plan contents.

(a) The landowner, applicant, or developer shall submit to the Zoning Officer a riparian zone management plan prepared by an environmental professional, professional engineer or other qualified professional which fully evaluates the effects of any proposed uses on the riparian zone. The riparian zone management plan shall identify the existing conditions, including:

[1] Existing vegetation;

[2] Field-delineated surface water bodies;

[3] Field-delineated wetlands;

[4] The one-hundred-year floodplain;

[5] Flood hazard areas, including floodway and flood-fringe areas, as delineated by the New Jersey Department of Environmental Protection;

[6] Soil classifications as found on soil surveys;

[7] Existing subdrainage areas of site with HUC (Hydrologic Unit Code) 14 designations;

[8] Slopes in each subdrainage area segmented into sections of slopes less than 15%; above 15% but less than 20%; and steep slopes greater than 20%.

(b) The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in a riparian zone, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the riparian zone. A discussion of activities proposed as well as management techniques proposed to offset disturbances and/or enhance the site to improve the riparian zone's ability to function effectively as a riparian zone shall also be included with the riparian zone management plan submittal to the Township of Fredon.

(3) The plan shall be reviewed and must be approved by the Township Engineer, in consultation with the Environmental Commission, as part of the subdivision and land development process.

(4) The riparian zone management plan must include management provisions in narrative and/or graphic form specifying:

(a) The manner in which the area within the riparian zone will be owned and by whom it will be managed and maintained.

(b) The conservation and/or land management techniques and practices that will be used to conserve and protect the riparian zone, as applicable.

(c) The professional and personnel resources that are expected to be necessary, in order to maintain and manage the riparian zone.

(d) A revegetation plan, if applicable, that includes: three layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature, will form an overhead canopy. Vegetation selected must be native, noninvasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional engineer, and shall be subject to the approval of the Township Engineer, in consultation with the Environmental Commission. Dominant vegetation in the riparian zone management plan shall consist of plant species that are suited to the riparian zone environment. The Township Engineer may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, U.S. Fish and Wildlife Service and/or state or federal forest agencies.

(5) A riparian zone management plan is not required where the riparian zone is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the riparian zone.

(6) Performance of the riparian zone management plan shall be guaranteed for a minimum of two years by a surety, such as a bond, cash or letter of credit, which shall be provided to the Township of Fredon prior to the Township issuing any permits or approving any uses relating to the applicable use or activity.

I. Boundary interpretation, appeals procedures, inspections, conflicts, severability.

(1) When a landowner or applicant disputes the boundaries of a riparian zone, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to the Zoning Officer that describes the riparian zone, presents the landowner or applicant's proposed riparian zone delineation, and presents all justification for the proposed boundary change, including but not limited to a verification issued under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-6, or an approval from the New Jersey Department of Environmental Protection to encroach within the

Special Water Resource Protection Area (SWRPA) of a C1 water pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h)1ii.

(2) Within 45 days of a complete submission of Subsection I(1) above, the Township Engineer, or appointed representative, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to the Zoning Officer and the landowner or applicant. Failure to act within the forty-five-day period shall not be interpreted to be an approval of the proposed boundary change.

(3) Any party aggrieved by any such determination or other decision or determination under Subsection I(2) may appeal to the Zoning Officer under the provisions of this section. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

(4) Any party aggrieved by any determination or decision of the Zoning Officer under this section may appeal to the governing body of the Township of Fredon. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

(5) Inspections.

(a) Lands within or adjacent to an identified riparian zone shall be inspected when:

[1] A subdivision or land development plan is submitted;

[2] A building permit is requested;

[3] A change or resumption of a nonconforming use is proposed;

[4] A discontinued nonconforming use is resumed more than one year later, as described in Subsection E.

(b) The riparian zone may also be inspected periodically by representatives from the Township of Fredon if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.

(6) Conflicts. All other sections, parts of sections, or other local requirements that are inconsistent or in conflict with this section are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this section apply.

(7) Severability.

(a) Interpretation. This section shall be so construed as not to conflict with any provision of New Jersey or federal law.

(b) Notwithstanding that any provision of this section is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the section shall continue to be of full force and effect.

(c) The provisions of this section shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

J. Enforcement. A prompt investigation shall be made by the appropriate personnel of the Township of Fredon, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this section is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this section shall be construed to preclude the right of the Township of Fredon, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this section shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this section. Each day a violation continues shall be considered a separate offense.

§ 550-113. Hydrogeologic reports.

A. Intent and purpose. It is the intent and purpose of these provisions to require that all applications for land development within the Township of Fredon proposing or necessitating approval of a subdivision and/or site plan, the full construction buildout of which is intended to or will result in the withdrawal of groundwater for drinking, irrigation and all other purposes in excess of 3,000 gallons per day (gpd) and not otherwise falling within the jurisdiction of the New Jersey Department of Environmental Protection (NJDEP), which has, under present regulations which may, from time to time, be amended or revised, jurisdiction over withdrawal of groundwaters of 100,000 gallons per day (gpd) or more, to require, prior to the grant of preliminary major subdivision or prior to the grant of preliminary site plan approval, the preparation of a hydrogeological report regarding such proposed water withdrawal, in order that the Township may reasonably be assured that such withdrawals will not have adverse impacts upon the quality, quantity and availability of groundwaters and in order to further assure that such withdrawals will not result in adverse impacts upon the quantity and quality of groundwater supplying existing wells within the zone of influence of the proposed water withdrawal and to provide, in the alternative, that any such adverse impacts found or reasonably predicted to exist shall be adequately mitigated, attenuated or otherwise addressed.

B. Applicability. The provisions of this chapter shall be applicable to all development activities of the Township of Fredon which require preliminary major subdivision approval or preliminary site plan approval by the Township Planning Board or Zoning Board of Adjustment under N.J.S.A. 40:55D-76(b) and which propose, require or are anticipated to result in withdrawal of groundwaters in excess of 3,000 gallons per day (gpd) and which do not otherwise fall within the jurisdiction of the New Jersey

Department of Environmental Protection (NJDEP) which has, under present regulations which may, from, time to time, be amended and revised, jurisdiction over withdrawal of groundwaters of 100,000 gallons per day (gpd) or more. The provisions hereof shall be applicable to any single point source withdrawal which is intended, anticipated or which may result in the withdrawal of groundwater in excess of 3,000 gallons per day (gpd). The provisions hereof shall also be applicable to any proposed central water supply system with one or multiple points of withdrawal any of which or the aggregate of all such points of withdrawal resulting in withdrawals in excess of 3,000 gallons per day (gpd).

C. General procedures for preparing hydrogeologic reports for groundwater withdrawals.

(1) All applicants submitting applications for preliminary major subdivision approval or preliminary site plan approval by the Township Planning Board shall prepare and submit a hydrogeological report to the Township Planning Board at the time of submission of the application for preliminary major subdivision approval or preliminary site plan approval, as the case may be.

(2) Such hydrogeological report shall be prepared by a professional engineer, geologist or hydrogeologist with experience in preparation of hydrogeologic reports for proposed water withdrawals in excess of 3,000 gallons per day (gpd).

(3) All such hydrogeologic reports shall be prepared in accordance with the methodology, procedural and substantive requirements generated by the New Jersey Geological Survey, Geological Survey Report, GSR 29, entitled "Guidelines for Preparing Hydrogeologic Reports for Water-Allocation Permit Applications, with an Appendix on Aquifer-Test Analysis Procedures," as same may, from time to time, be amended and/or supplemented as prepared by Jeffrey L. Hoffman, Robert Canace, James Boyle, and George Blyskun and available through the New Jersey Department of Environmental Protection.

D. Township Engineer review of testing protocol. All applications made pursuant to the provisions hereof shall be initiated by submission by the applicant to the Township Engineer of the proposed testing protocol (procedure and methodology) which shall be reviewed for general sufficiency by the Township Engineer prior to the conduct of any testing and prior to the preparation and submission of a report pursuant hereto. The Township Engineer shall determine the adequacy of the proposed testing protocol and shall, if (s)he deems same appropriate or necessary, consult with the Planning Board prior to the approval of the proposed testing protocol.

E. Planning Board review of hydrogeologic reports. The Planning Board shall conduct a review, either by the Planning Board professionals (engineer, attorney, planning consultant) and/or such outside professional advisors as the Board may deem necessary or appropriate to assist it in such review, with the cost of such review being payable by the applicant and chargeable against a professional review escrow account to be established pursuant to the provisions of Article VIII of Chapter 45, Land Use Procedures. The purpose of the review of the hydrogeologic report shall be to insure that the proposed development will not adversely impact upon the health, safety and welfare of the community and to assure that the proposed extent, nature and methodology of

development of the tract will minimize any adverse effects on the quantity and quality of subsurface water and will not alter the character of subsurface water flow in a manner detrimental to the public, health, safety and welfare of the community and those affected or potentially affected by such proposed withdrawal of groundwater.

F. Compliance and enforcement. Compliance with the provisions of this chapter shall be required prior to the granting of preliminary major subdivision or preliminary site plan approvals and compliance herewith shall not be made a condition of any such approvals.

G. Application and escrow review fees. In conjunction with the filing of an application for preliminary major subdivision approval or preliminary major site plan approval, the applicant shall submit the required fees, as set forth in Article VIII of Chapter 45, Land Use Procedures, for the purpose of deferring the cost of professional review of the hydrogeologic report required by this chapter.

ARTICLE XX
Nonconforming Uses

§ 550-114. Continuance of use.

Any lawful nonconforming use or structure which existed prior to November 22, 2010 may be continued, and any existing structure designed, arranged, intended or devoted to a nonconforming use may be structurally altered subject to the following regulations:

A. A nonconforming use shall not be enlarged unless the use is changed to a conforming use, provided that where a building meets the use requirements of this chapter and is nonconforming because of height, area and/or yard regulations, such use may be enlarged providing the height, area or yard regulations are not further violated.

B. A nonconforming use changed to a conforming use shall not thereafter be changed back to a nonconforming use.

C. A nonconforming use in existence prior to November 22, 2010 shall not be permitted to be changed to another nonconforming use.

D. In the event there is a cessation of operation of any nonconforming use for a period of 12 consecutive calendar months, the same shall be prima facie evidence of an abandonment of the use. Any subsequent exercise of such abandoned nonconforming use shall be deemed a violation of the terms of this chapter.

§ 550-115. Completion of existing buildings.

Nothing in this chapter shall require any change in plans, construction or designated use of a structure for which a building permit has been issued when construction has been diligently prosecuted within six months following the date of such permit, and completed within the term of such permit.

§ 550-116. Restoration of existing buildings.

Any nonconforming use or structure existing prior to November 22, 2010 may be continued upon the lot or in the building so occupied and any structure may be restored or repaired in the event of partial destruction thereof.

§ 550-117. Unlawful use not authorized.

Nothing in this chapter shall be interpreted as implied authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulations in effect prior to November 22, 2010.

§ 550-118. Nonconforming due to reclassification.

The foregoing provisions of this chapter shall apply to structures, land or uses which hereafter become nonconforming due to reclassification of zones under this chapter, or any subsequent change in the regulations of this chapter.

ARTICLE XXI
Prohibited Uses

§ 550-119. General.

All uses not expressly permitted in this chapter shall be prohibited, and the uses designated below are specifically prohibited in all zone districts.

§ 550-120. Aircraft.

The landing, taking off, parking, storing or maintaining of any aircraft or airborne vehicle, except in connection with an airport.

§ 550-121. Junk vehicles.

The maintenance in any yard, area or open space of any nonregistered, inoperable, wrecked or junked automobile or vehicle, except as otherwise specifically permitted by any provision of this chapter.

§ 550-122. Trailers.

The parking, storing, keeping or maintaining of trailers, except as otherwise specifically permitted by any provision of this chapter.

§ 550-123. Drive-in uses.

Drive-in uses, as defined under § 550-19, except as otherwise specifically permitted by any provision of this chapter.

ARTICLE XXII
Off-Street Parking and Loading

§ 550-124. Required number of off-street parking spaces.

A. For all new buildings and uses, and additions to existing buildings and uses, there shall be provided the minimum number of off-street parking spaces required for the specific use in accordance with the following schedule:

Use	Required Parking Spaces
Animal hospital/veterinary clinic	1 space for each 500 square feet of floor area
Art galleries, libraries and museums	3 spaces for each 1,000 square feet of floor area
Assisted-living facilities	Per Residential Site Improvement Standards (RSIS)
Auto service stations and repair shops	1 space for each 200 square feet of floor area
Banks	1 space for each 200 square feet of floor area
Bowling alley	5 spaces per bowling lane, plus the parking spaces required for any other use such as restaurant or snack bar in the same premises
Child care/adult day-care centers	1 space for every 4 children or adult clients
Community residences or shelters	1 space for every 5 residents, plus 1 space for each employee
Funeral homes, mortuaries	1 space for each 30 square feet of floor area used for slumber rooms, viewing rooms, parlors and each funeral service room, plus 1 space for each employee
Golf course	8 spaces for each hole
Hotels, motels	1.3 spaces for each sleeping room
Health and fitness facilities	1 space per 200 square feet of floor area (if facility contains indoor racquet sport courts, standard shall be 4 spaces per court, plus 1 space per 200 square feet of remaining floor area devoted to health and fitness activities)
Instructional studio spaces (dance, art, music, martial art)	1 space per 100 square feet of floor area
Manufacturing plant, research laboratory, other industry	1 space for each 1,000 square feet of floor area, plus 1 space for each employee
Medical and dental clinics and offices	1 space for each 250 square feet of floor area
Offices, business, professional, executive	1 space for each 250 square feet of floor area

Use	Required Parking Spaces
Places of worship, auditoriums, theaters, including school auditoriums	0.25 space for each seat of fixed capacity (benches or pews shall be considered as 1 seat per 20 linear inches); 1 space per 45 square feet of floor area if no fixed seats
Private clubs, community center buildings	1 space for each 150 square feet of floor area
Residential, one- and two-family dwellings	Per Residential Site Improvement Standards (RSIS)
Residential, townhouses and apartments	Per Residential Site Improvement Standards (RSIS)
Restaurants, eating and drinking establishments	1 space for each 45 square feet of floor area
Retail store or service establishment	1 space for each 250 square feet of floor area
Schools, public or private	1 space for each for each employee on the premises at the same time during peak hours, plus 1 space for each 5 students in the 11th and 12th grades
Warehouse storage buildings	0.5 space for each 1,000 square feet of floor area, plus 1 space for each employee

B. All other uses and facilities not specified above shall provide parking at the rate of one space for each 250 square feet of floor area, excluding locker rooms and storage and maintenance areas.

C. Any building containing more than one use shall meet the combined parking space requirements for all uses in the building. Any change in use within a building shall be required to meet the minimum parking requirements for the new use.

D. Wherever all or some of the minimum number of parking spaces required for any particular use are dependent upon the number of employees on the premises or dependent upon the number of persons on the premises, the requirement shall in each such case be deemed to mean the number of employees or persons on the premises at the same time during the time when such number is at its peak. All applications for site plan approval shall state the total number of such persons for purposes of determining any applicable parking requirement. The number of parking areas provided for such persons shall be stated on the site plan and on any certificate of occupancy thereafter issued, which number shall be the limit of the number of employees permitted on the premises at the same time. Use of the premises by a greater number of employees at the same time than the number specified in the site plan or certificate of occupancy shall be a violation of this chapter.

E. If it can be clearly demonstrated that because of the peculiar nature of any use all of the required parking is not necessary, the Planning Board may permit a reduction in the amount of parking area to be paved, provided that the entire required parking area shall

be shown on the site plan so that it will be available in the event future conditions should so require.

§ 550-125. Required number of off-street loading spaces.

In all zones, for every building or use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided on the same property with such building or use off-street loading spaces in relation to floor area as follows:

Floor Area in Square Feet	No. of Spaces
10,000 or less	1
10,000 to 20,000	2
20,000 to 50,000	3
50,000 to 100,000	4
Each additional 100,000 or part thereof	1

§ 550-126. Shared parking in MUMD Zone.

A. In order to take advantage of different peak periods of activity in the MUMD Zone, parking requirements may be reduced, at the discretion of the Planning Board, to account for shared parking among uses. The total amount of parking required per § 550-124 above may be reduced by the following percentages, as determined by the Planning Board:

(1) Office uses: 5% to 25%.

(2) Other nonresidential uses: 10% to 15%.

(3) Residential uses: 25% to 30%.

B. Any use participating in the shared parking program as permitted above shall be located no farther from said parking area than 300 feet.

§ 550-127. Parking and storage of recreational vehicles as an accessory use to single-family residences.

Recreational vehicles, including boats, boat trailers, automobiles and snowmobile trailers, as well as campers, tent campers, motorized homes, trailers and travel trailers, may be parked in any zone; provided, however, that they shall not be occupied and shall be subject to the following restrictions and regulations:

A. The area in which such recreational vehicles are parked shall be paved in accordance with the requirements of Chapter 219, Driveways.

B. Any recreation vehicle 32 feet or more in overall length, including all hitching devices, shall be parked or stored only within an enclosed garage at all times.

C. All other recreational vehicles shall be parked or stored in the side or rear yard areas only and shall meet the requirements applicable to accessory buildings for the zone in which they are located with respect to setback requirements.

D. The area, exclusive of garage area, that may be used for storage of such recreational vehicles shall not exceed 7% of the total lot area or 400 square feet, whichever is less.

E. Such recreational vehicles shall be screened from view either by fencing, not to exceed six feet in height, or with a vegetative screen. In the event that topographic conditions or other physical conditions of the property provides adequate screening without the use of vegetation or fencing in the opinion of the construction/zoning official, no additional screening shall be required.

F. Off-street parking provided for and utilized by recreational vehicles shall be in addition to any other parking provisions required by this chapter.

G. Horse trailers may be considered as a recreational vehicle where horses and or ponies for riding purposes are kept in connection with single-family residence use on the premises as a permitted accessory use.

H. Such vehicles shall be owned by the resident of the single-family dwelling.

§ 550-128. Commercial vehicles as an accessory use in residential zones.

Any vehicle containing advertising matter intended to promote an interest of any business or any commercial vehicle used in connection with any business or commercial activity, shall not be parked, stored or maintained in any residential zone except in compliance with the following conditions:

A. Not more than one commercial vehicle per dwelling unit shall be kept on a lot.

B. The vehicle shall not exceed a rated capacity of 3/4 ton.

C. The vehicle is regularly housed in a garage.

D. The vehicle is used by a resident of the dwelling unit.

E. The vehicle is not parked on the street, in any driveway or any exposed portion of the lot.

F. This section shall apply to all vehicles which are customarily considered commercial vehicles, whether or not such vehicles shall carry a commercial registration.

ARTICLE XXIII
Signs

§ 550-129. Permits required.

Except as hereinafter specifically provided, no sign shall be constructed, displayed or erected unless a permit shall have been first obtained from the Construction Official. The sign

application shall contain sufficient information and the plan shall be in sufficient detail to permit the Construction Official to administer the requirements of this section. No sign permit shall be issued until the required fee for such sign is paid.

§ 550-130. Sign area measurement.

In administering this section, the area of any sign shall be computed as the total square foot content of the background upon which the lettering, illustration or display is presented, including in such background any decorative motif or moldings. If the lettering, illustration or display is not affixed to a background but is affixed directly to the wall of a building or other structure, the area of a sign shall be computed as the product of the largest horizontal distance and the largest vertical distance of the lettering, illustration or display. The supporting members of any sign, which are used exclusively for such purpose, shall not be included in the computation of the area of the sign. Signs having more than one display face may have the maximum area permitted on each face.

§ 550-131. Conformance required.

No sign shall be erected anywhere within the Township except in accordance with the requirements and regulations of this section.

§ 550-132. Existing signs.

Any sign in existence at the time of the adoption of this chapter is entitled to remain, so long as it is not moved, altered or replaced, in which event, it shall conform to all the requirements of this section.

§ 550-133. General regulations.

Signs in all zone districts shall comply with the following requirements:

A. All signs shall relate to a use or activity located on the same lot. Signs related to activities off the premises shall be prohibited.

B. All signs shall be so located as to not interfere with traffic safety or visibility.

C. Signs permitted in the residential zones, placed in the front yard area, and all other signs permitted in the front yard area shall be set back at least 10 feet from the street line and shall not exceed eight feet in height, nor be closer to the ground than three feet, except as may be hereinafter specifically permitted. Signs in all other yard areas shall conform to the setbacks required for all structures.

D. The repainting, relettering or repair of an existing sign shall not constitute a new use or a change of use so long as the area of the sign is not altered.

E. Flashing, rotating or intermittent illuminated signs shall be prohibited, except that time and temperature signs shall not be considered to be intermittent illumination.

F. Illuminated signs, where permitted, may be internally or externally illuminated, so long as such illumination does not shine directly onto adjoining property or onto any street or highway.

G. Signs attached to any part of a building shall not extend beyond the highest point of the building to which it is attached. Chimneys, towers, cupolas, steeples and silos shall not be considered in calculating the height of such building.

H. Signs shall be constructed, as far as possible, with natural materials.

I. Signs affixed or attached to a wall shall not project beyond such wall in any direction.

J. Overhanging signs, that is signs that project perpendicularly from the wall of a building, shall be prohibited.

§ 550-134. Signs permitted in all zones.

Unless hereinafter specifically prohibited, the following signs shall be permitted in all zones:

A. Temporary for rent and for sale signs. Such signs shall not exceed four square feet in total area and the permit for such signs shall be valid for a period of six months, at which time such signs shall be removed, unless the sign permit is renewed for good cause shown.

B. No hunting and no trespassing signs. No sign shall exceed one square foot in area. No permit shall be required for the posting of these signs.

C. Signs locating and advertising subdivisions of land and projects requiring site plan approval, which have received tentative or final approval by the Township, provided that no such sign shall exceed 32 square feet in area, exceed two in number, nor be located closer than 20 feet to any street line. Such sign permits shall be valid for a period of six months and then such signs shall be removed, unless the permit is renewed. Such signs shall be removed as a condition of the issuance of the final certificate of occupancy for the development. In addition to the advertising signs permitted for subdivisions or projects requiring site plan approval, the developer may erect temporary traffic directional signs, each not exceeding one square foot in area, to guide potential purchasers to available lots/dwellings. Such directional signs shall only be erected within the development itself and shall be removed as a condition of the issuance of the final certificate of occupancy for the development.

D. Entrance and exit signs, traffic directional signs, temporary safety, traffic or warning signs approved by the Township Committee.

§ 550-135. Residential zones.

The following signs shall be permitted in the AR, RA, R-6, R-4 and R-1 zone districts and for residential uses in the MUMD zone district and shall comply with the following regulations:

A. In zones permitting agricultural uses, the following signs are permitted:

(1) One identification sign, not more than 18 square feet in area, identifying the farm, the address of the owner and the type of farm.

(2) If seasonal produce is sold on site, not more than two additional signs advertising seasonal farm produce available, the total area of which shall not exceed 16 square feet. Such sign shall not be permanent and shall be permitted to be in place only during the time such seasonal produce is available.

B. One name plate sign containing the name and/or address of the resident, which shall not exceed one square foot in area.

C. In residential zones permitting cluster development, one sign, not exceeding 18 square feet in area publicizing the name of the cluster development.

D. One sign not exceeding two square feet in area advertising roomers or boarders.

E. One sign advertising professional uses or home occupations, not exceeding one square foot in area.

F. Professional uses, in addition to the sign permitted in the front yard area, may have one additional sign, attached to the building in which the professional use is located, not exceeding two square feet in area.

G. One sign, not more than 18 square feet in area, identifying permitted conditional uses except those for which a smaller or larger sign area is specified.

§ 550-136. Conservation and Community Park zones.

The following signs shall be permitted in the C and CP zone districts and shall comply with the following regulations:

A. One sign, which shall not exceed 18 square feet in area, identifying the facility and containing pertinent regulatory information, if desired.

B. Signs identifying and locating separate facilities and/or structures so long as each individual sign does not exceed one square foot in area.

§ 550-137. Community Facilities zone.

Signs in the CF zone shall be permitted as deemed necessary to the public welfare by the Township Committee.

§ 550-138. Mixed-Use Market zone district.

The following signs shall be permitted in the MUMD zone district and shall comply with the following regulations:

A. Any business establishment may display one or more signs relating to its business. The maximum area of any single sign shall not exceed 24 square feet and the maximum area of all signs on a single lot shall not exceed 50 square feet.

B. In the case of a shopping village, the maximum area of any single sign shall not exceed 24 square feet and the maximum area of all signs for each use located in such shopping village shall not exceed 24 square feet.

C. The total area of all signs permitted on the face of any wall shall not exceed 5% of the area of the face of the wall upon which such signs are attached and the maximum height of any such sign shall not exceed 10% of the height of such wall, except that such sign can be at least two feet in height. The maximum width of any sign shall not exceed 50% of the width of the wall to which it is attached or 12 feet in width, whichever is less.

D. No sign shall extend farther than six inches from the face of the wall upon which it is attached. Where a sign extends more than three inches from the face of the wall, the bottom of such sign shall be at least eight feet above ground level. Signs overhanging any public or private walkway shall not extend more than three inches from the face of the wall to which it is attached.

E. One freestanding sign may be permitted on each lot, in the front yard area, not exceeding 18 square feet in area, except for automotive service station and public garage uses.

§ 550-139. Automotive service stations and public garages.

The following signs, in addition to the foregoing signs, shall be permitted in connection with an automotive service station or public garage and shall comply with the following regulations:

A. One pylon sign advertising the name of the service station or garage and/or the principal products sold on the premises, including any special company logo, brand name, insignia or emblem, provided that this one sign shall not exceed 18 square feet in area and shall not be less than eight feet nor more than 15 feet above the ground. The pylon shall be at least five feet from any property line.

B. Signs or lettering displayed over individual entrance doors or bays consisting of the words: washing, lubrication, repairs or such other legend related to the functions performed in such location, provided that there shall be no more than one such sign over each entrance and the letters thereof shall not exceed 12 inches in height and a single line shall not exceed the width of the entrance over which it appears.

C. The customary lettering or other insignia, such as company logo, which are an integral part of any gasoline pump, together with any signs located thereon dealing with the product dispensed therefrom, a price indicator and any other sign which may be required by law.

D. Other signs describing, locating and identifying other services or products dispensed, such as air, water and oil, provided that such signs shall not exceed one square foot in area.

E. Nonilluminating credit card signs indicating those credit cards which are honored at such establishment, provided that no individual signs shall exceed two square feet in area.

§ 550-140. Light Industrial zone.

The following signs shall be permitted in the LI zone district and shall comply with the following regulations:

A. Any business establishment may display one or more signs relating to its business. The maximum area of any single sign shall not exceed 24 square feet and the maximum area of all signs on a single lot shall not exceed 50 square feet.

B. In the case of an industrial park development, the maximum area of any single sign shall not exceed 24 square feet and the maximum area of all signs for each use located in the industrial park shall not exceed 24 square feet.

C. The total area of all signs permitted on the face of any wall shall not exceed 5% of the area of the face of the wall upon which such signs are attached and the maximum height of any such sign shall not exceed 10% of the height of the wall, except that such sign can be at least two feet in height. The maximum width of any sign shall not exceed 50% of the width of the wall to which it is attached or 12 feet in width, whichever is less.

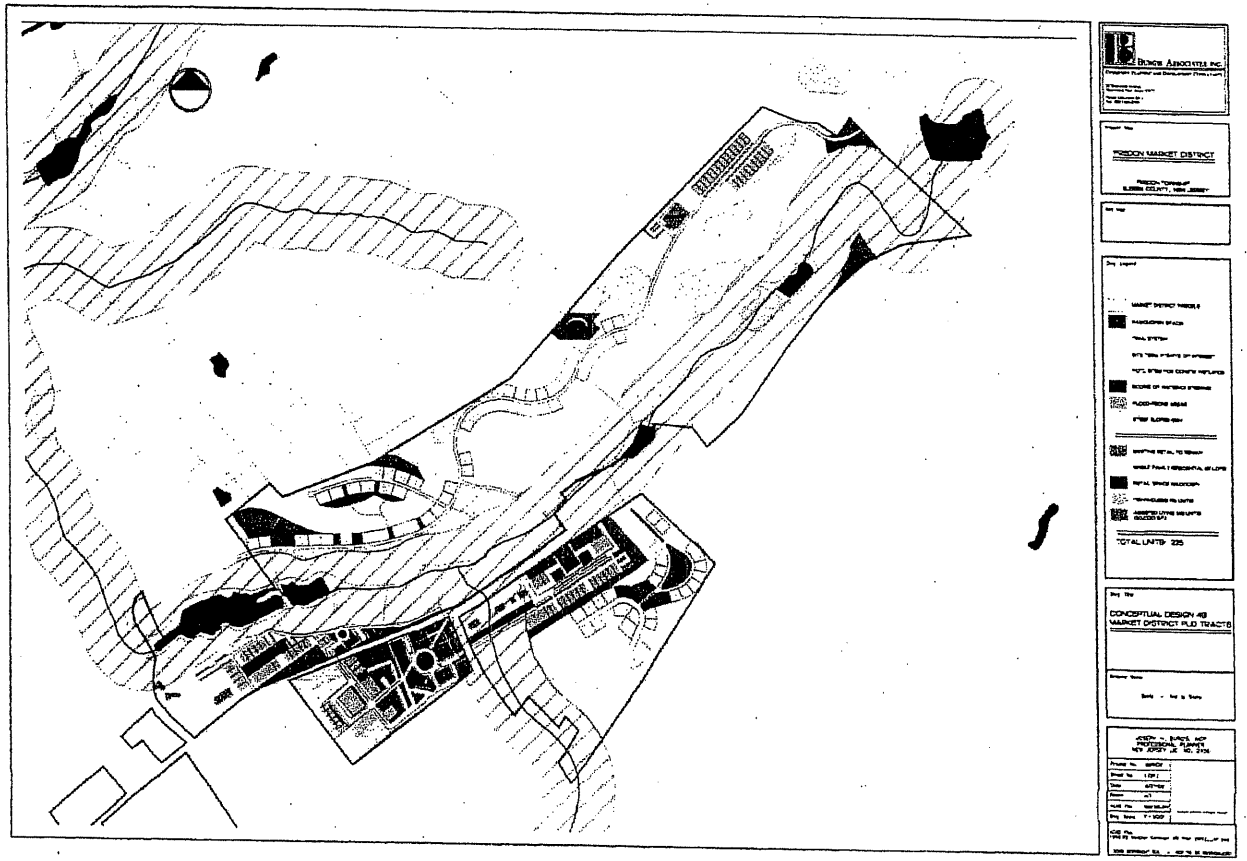
D. No sign shall extend farther than six inches from the face of the wall upon which it is attached. Where a sign extends more than three inches from the face of the wall, the bottom of such sign shall be at least eight feet above ground level. Signs overhanging any public or private walkway shall not extend more than three inches from the face of the wall to which it is attached.

E. One freestanding sign may be permitted on each lot, in the front yard area, not exceeding 18 square feet in area.

550 Attachment 1

Township of Fredon

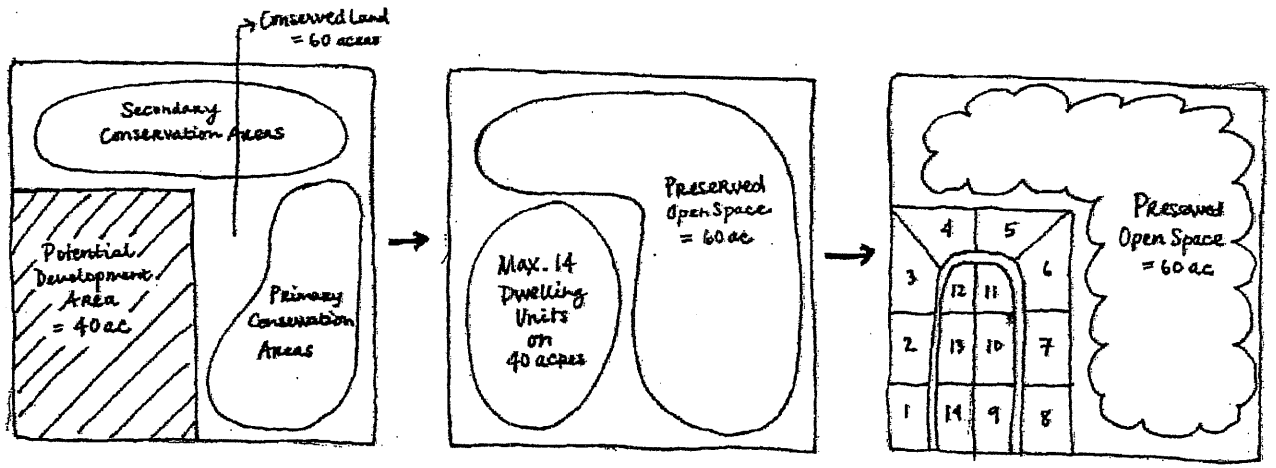
Fredon Market District Map



550 Attachment 2

Township of Fredon

Cluster Subdivision Example No. 1:
Open Space Preservation in RA Zone
Where Primary Conservation Areas < 60% of Site



- 100 acre gross site area
- 60 acres of conserved land (60% of gross site area)
- 40 acres available for development

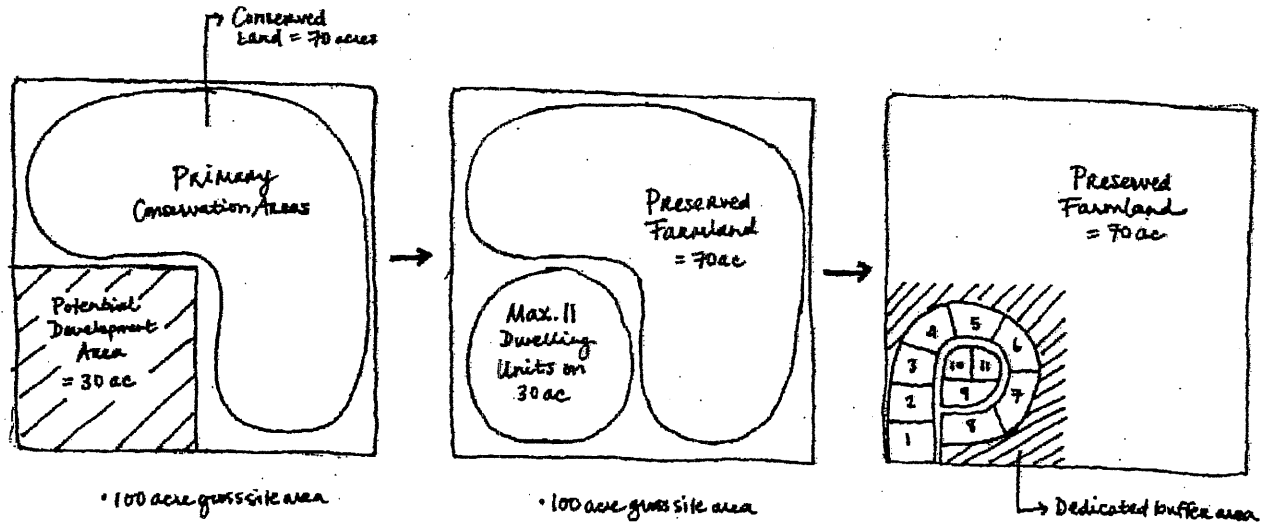
- 100 acre gross site area
- 60 acres of conserved land preserved for open space
- 14 dwelling units in potential development area (40 ac) based on max. density of 1 unit per 7 acres of gross site area.

- 100 ac gross site area
- 60 ac of conserved land preserved for open space
- 14 dwelling units on min. 2.5 acre lots, clustered on 40 acres

550 Attachment 3

Township of Fredon

Cluster Subdivision Example No. 2:
Farmland Preservation in AR Zone
Where Primary Conservation Areas > 60% of Site



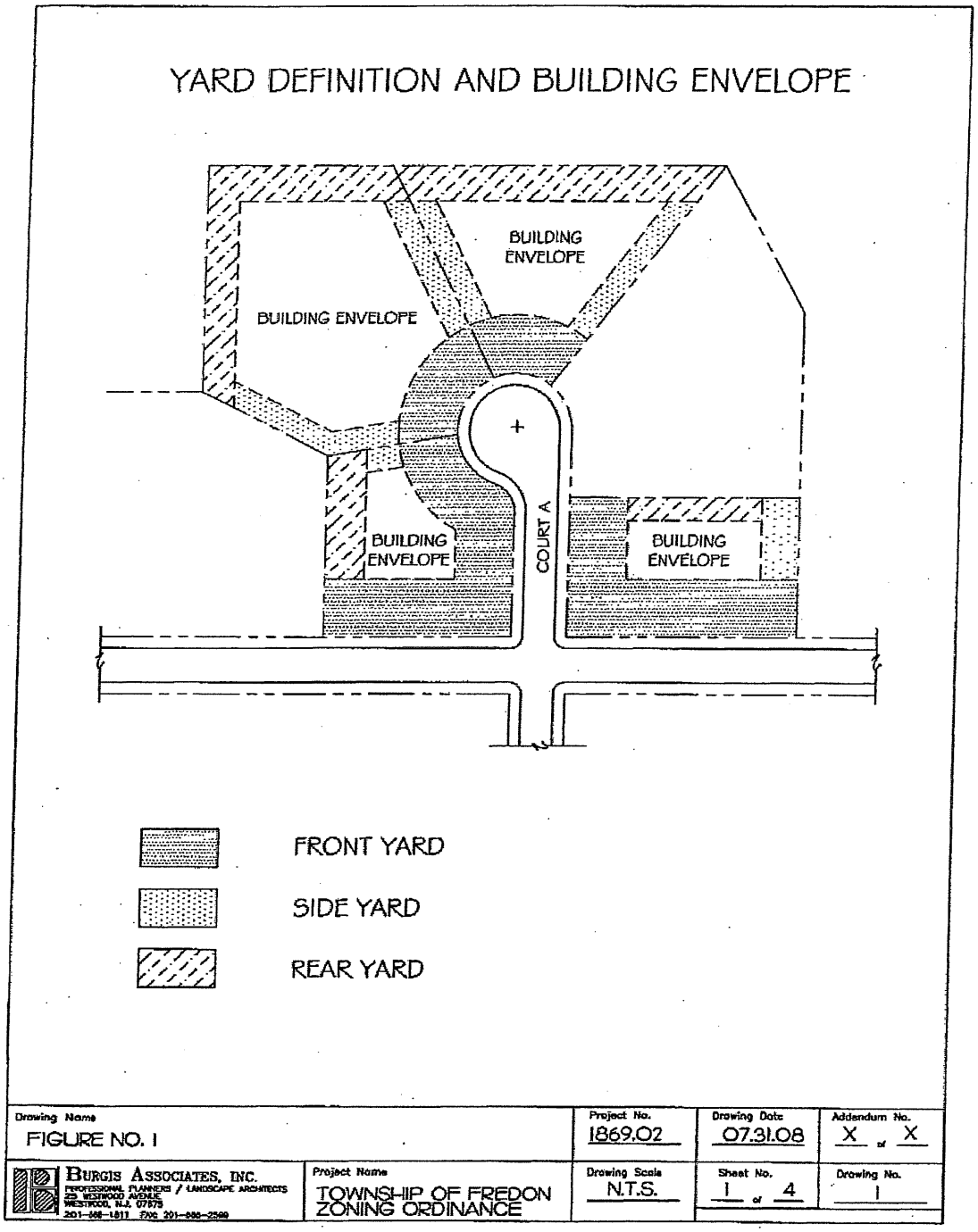
- 100 acre gross site area
- 70 acres conserved land (entire primary conservation area)
- 30 acres available for development

- 100 acre gross site area
- 70 acres of conserved land preserved for farmland
- 11 dwelling units in potential development area (30 ac) based on max. density of 1 unit per 2.8 acres of site acreage located outside primary conservation areas.

- 100 acre gross site area
- 70 ac of conserved land preserved for farmland
- 11 units on 2.0 acre lots, with remaining area in potential development area dedicated for buffer area.

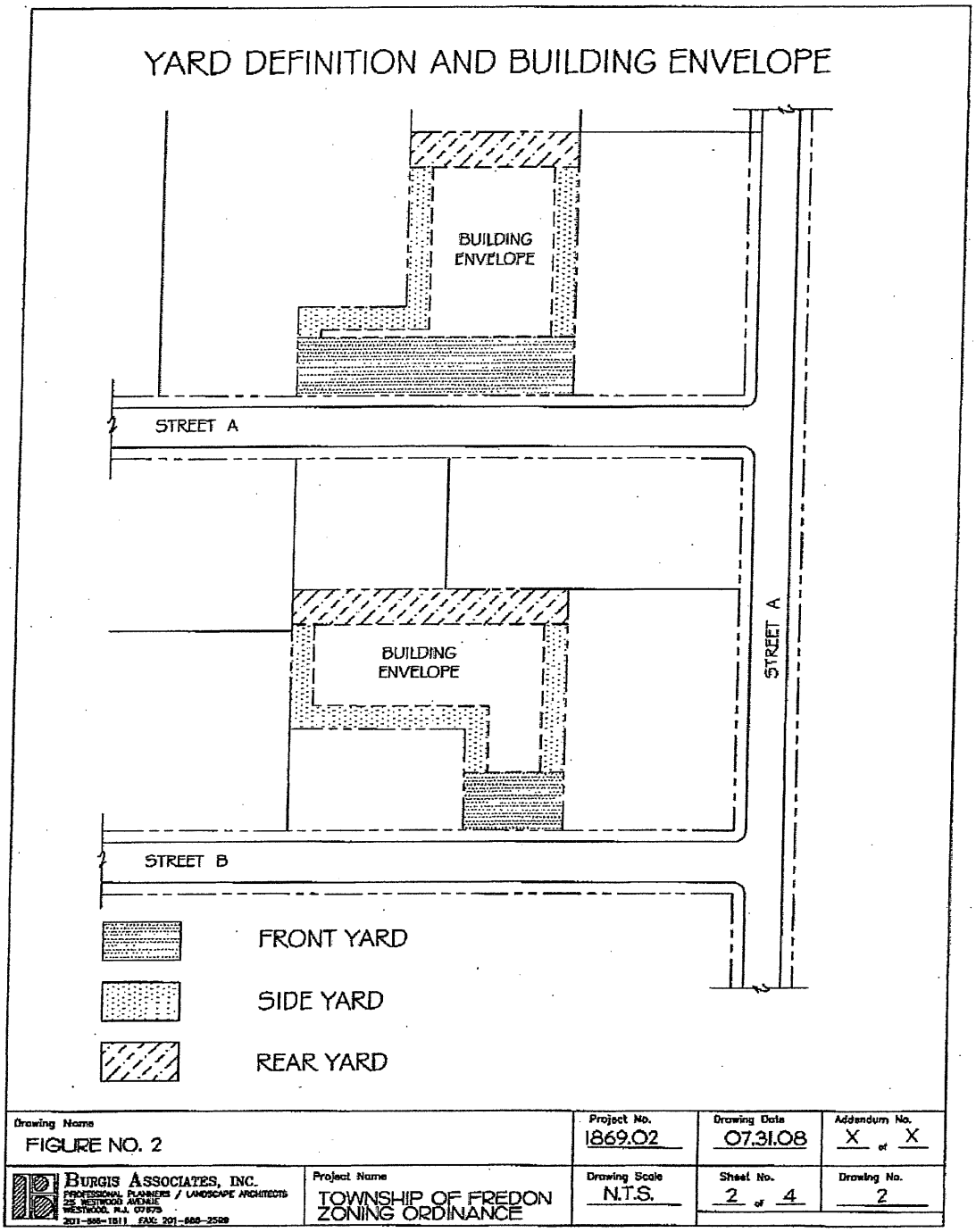
550 Attachment 4

Township of Fredon



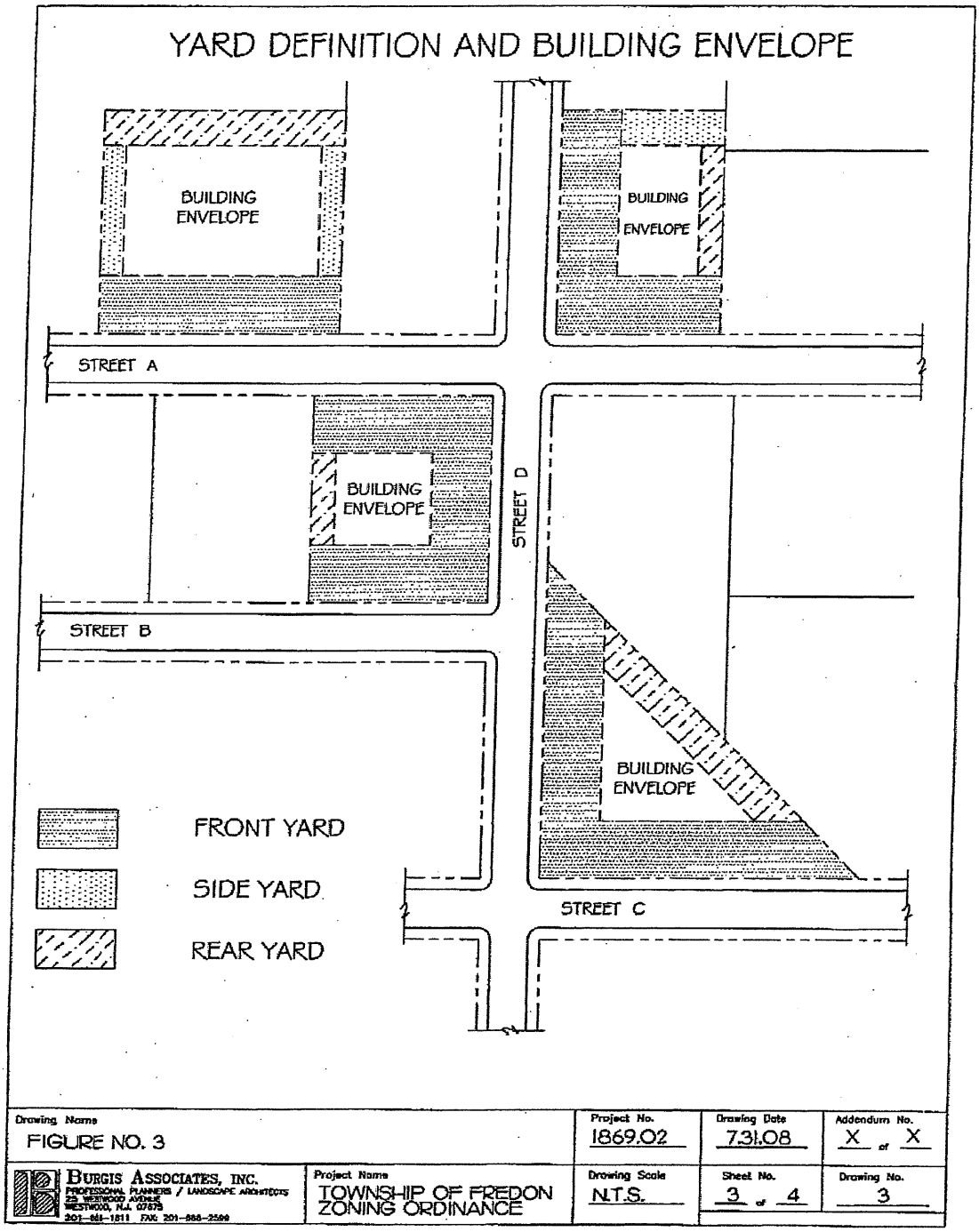
550 Attachment 5

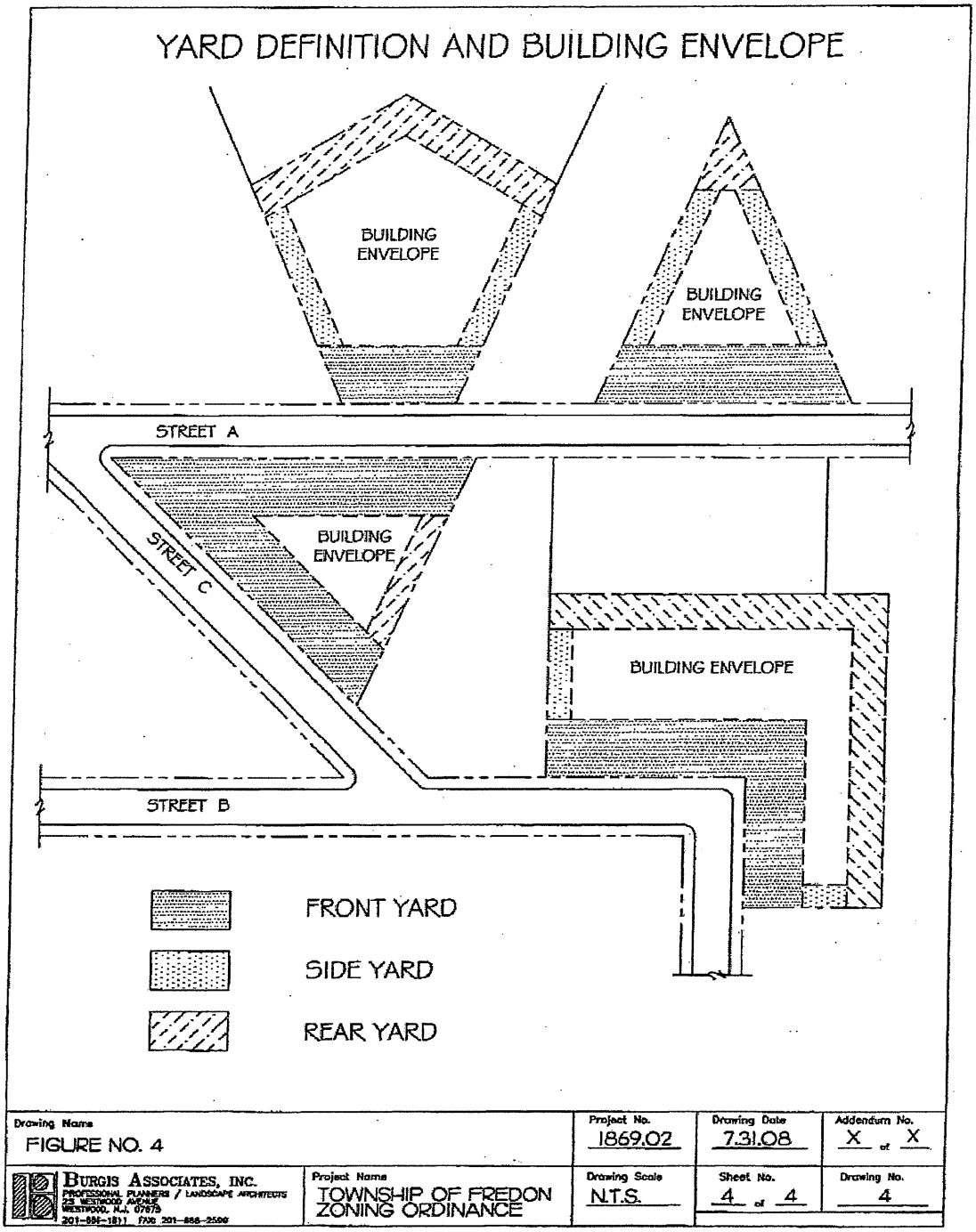
Township of Fredon



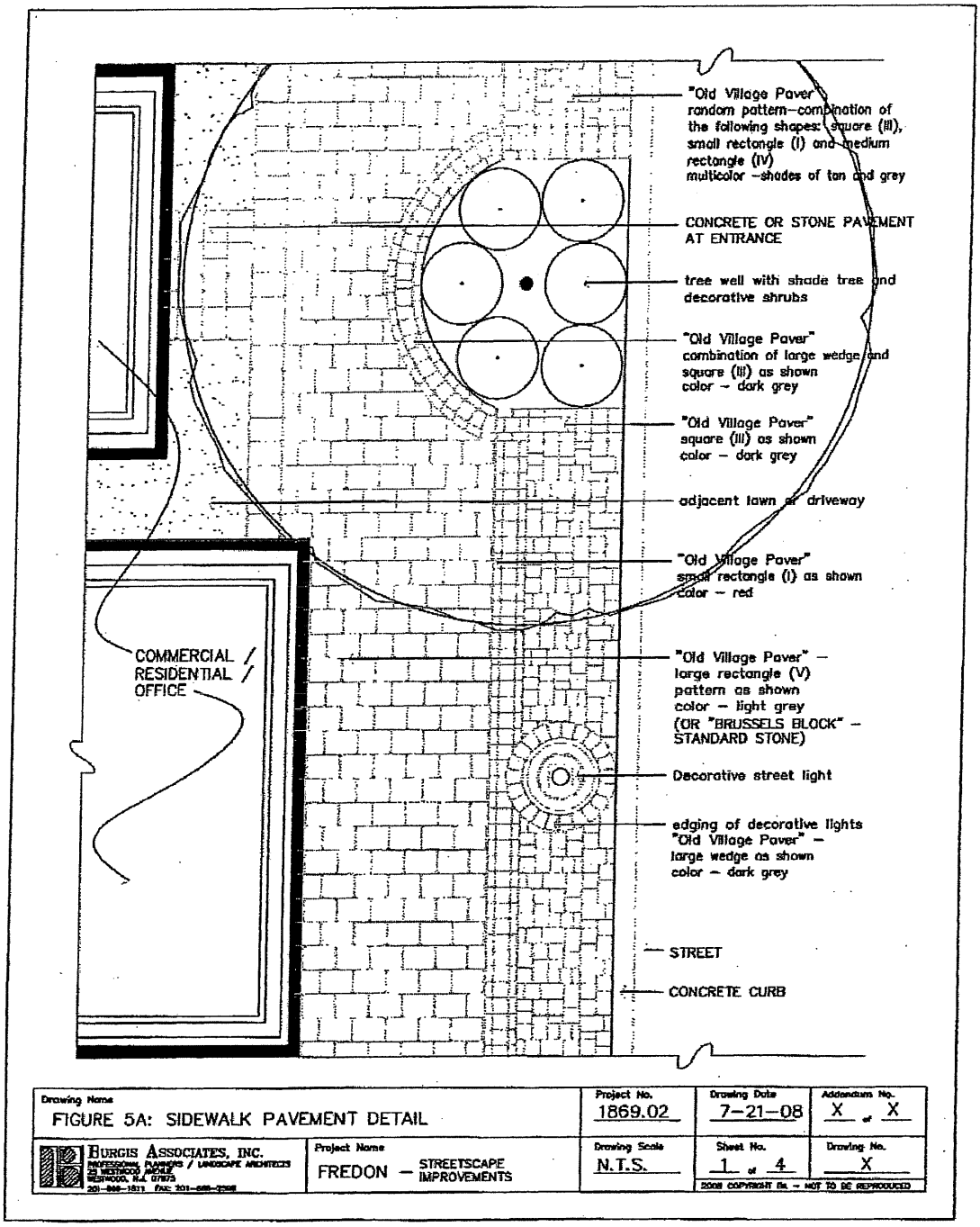
550 Attachment 6

Township of Fredon



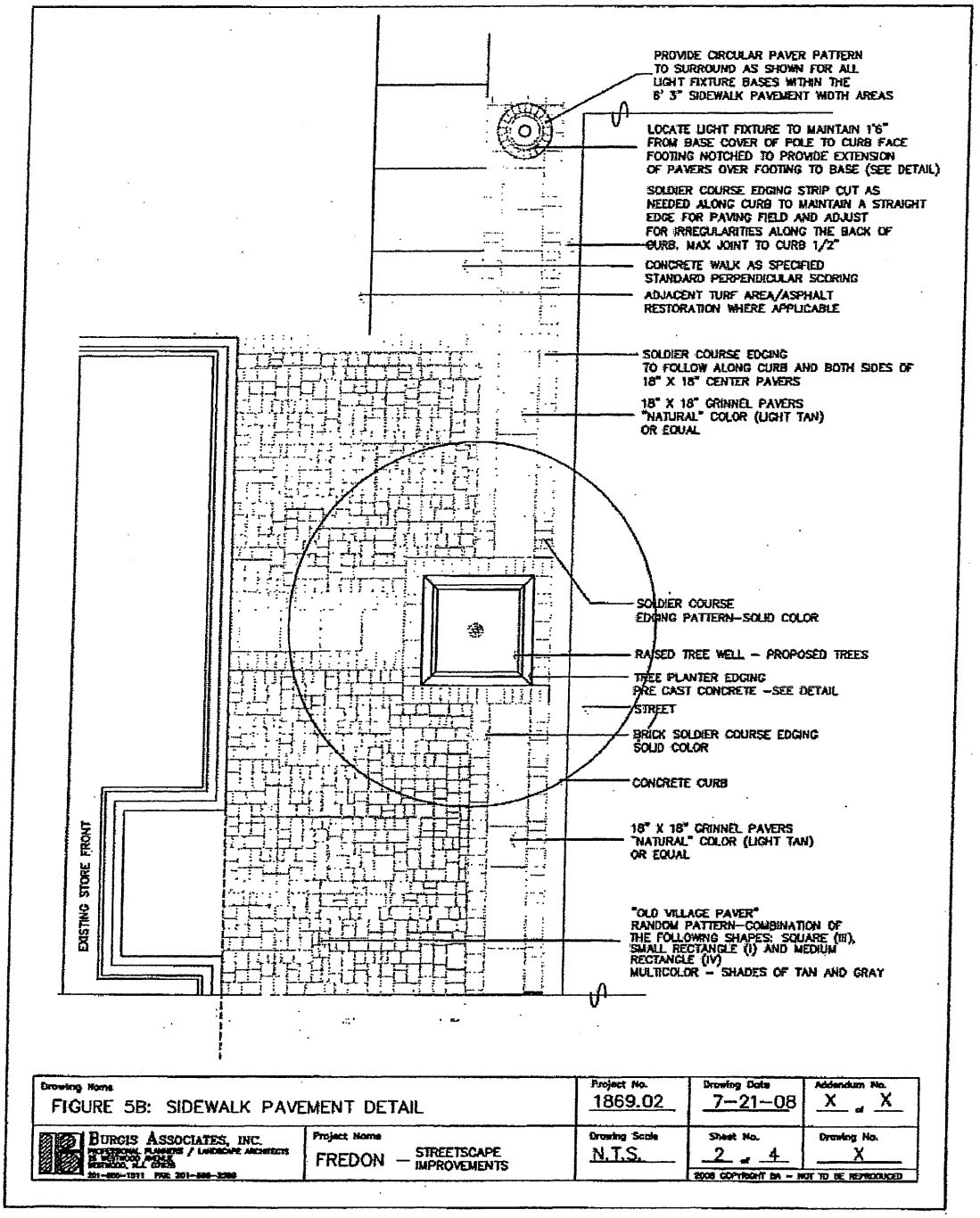

YARD DEFINITION AND BUILDING ENVELOPE
BUILDING ENVELOPE
BUILDING ENVELOPE
STREET A
BUILDING ENVELOPE
STREET C
BUILDING ENVELOPE
STREET B
FRONT YARD
SIDE YARD
REAR YARD
Drawing Name
FIGURE NO. 4
Project No.
1869.02
Drawing Date
7.31.08
Addendum No.
X of X
BURGIS ASSOCIATES, INC.
PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS
Project Name
TOWNSHIP OF FREDON
ZONING ORDINANCE
Drawing Scale
N.T.S.
Sheet No.
4 of 4
Drawing No.
4

Township of Fredon



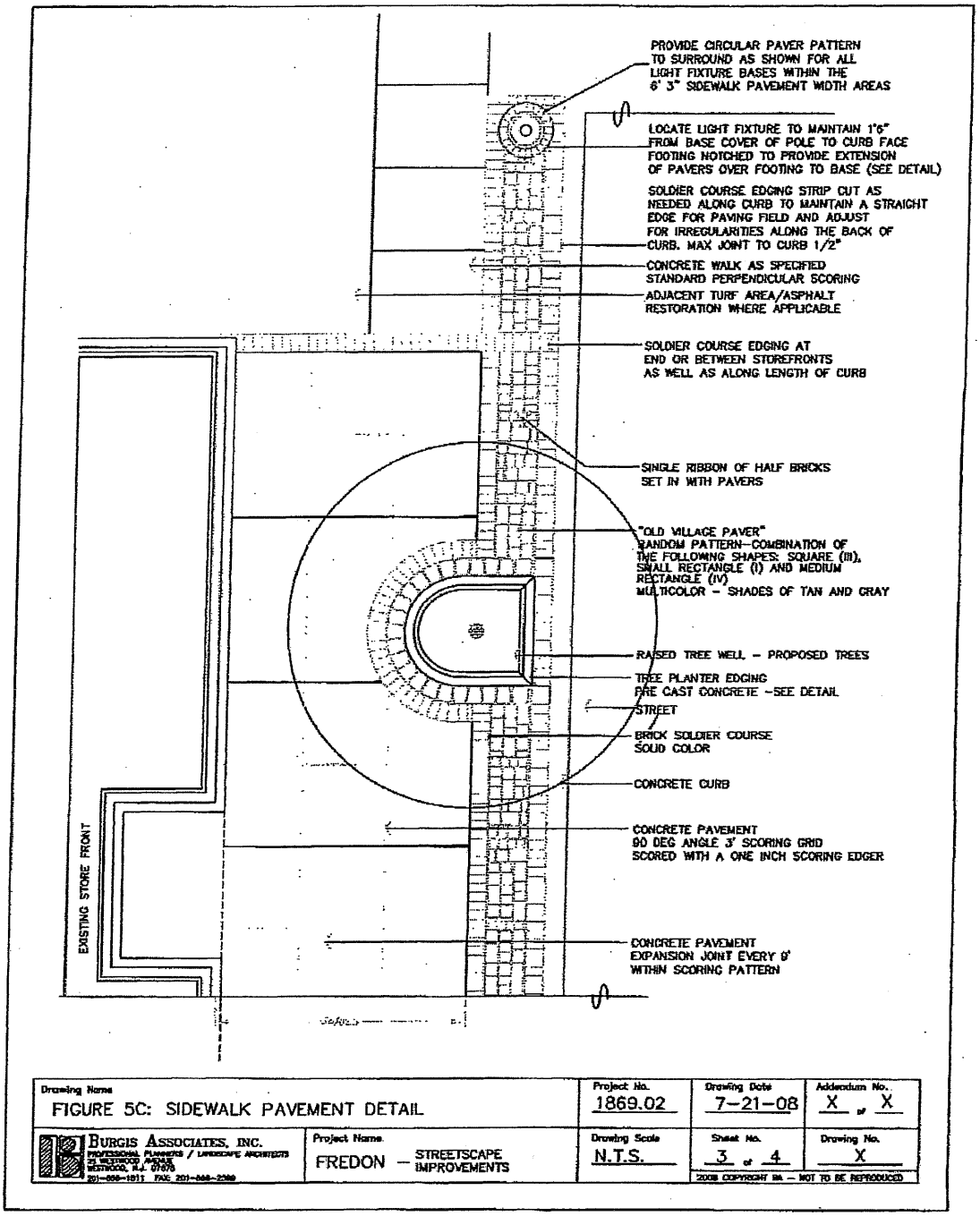
550 Attachment 9

Township of Fredon

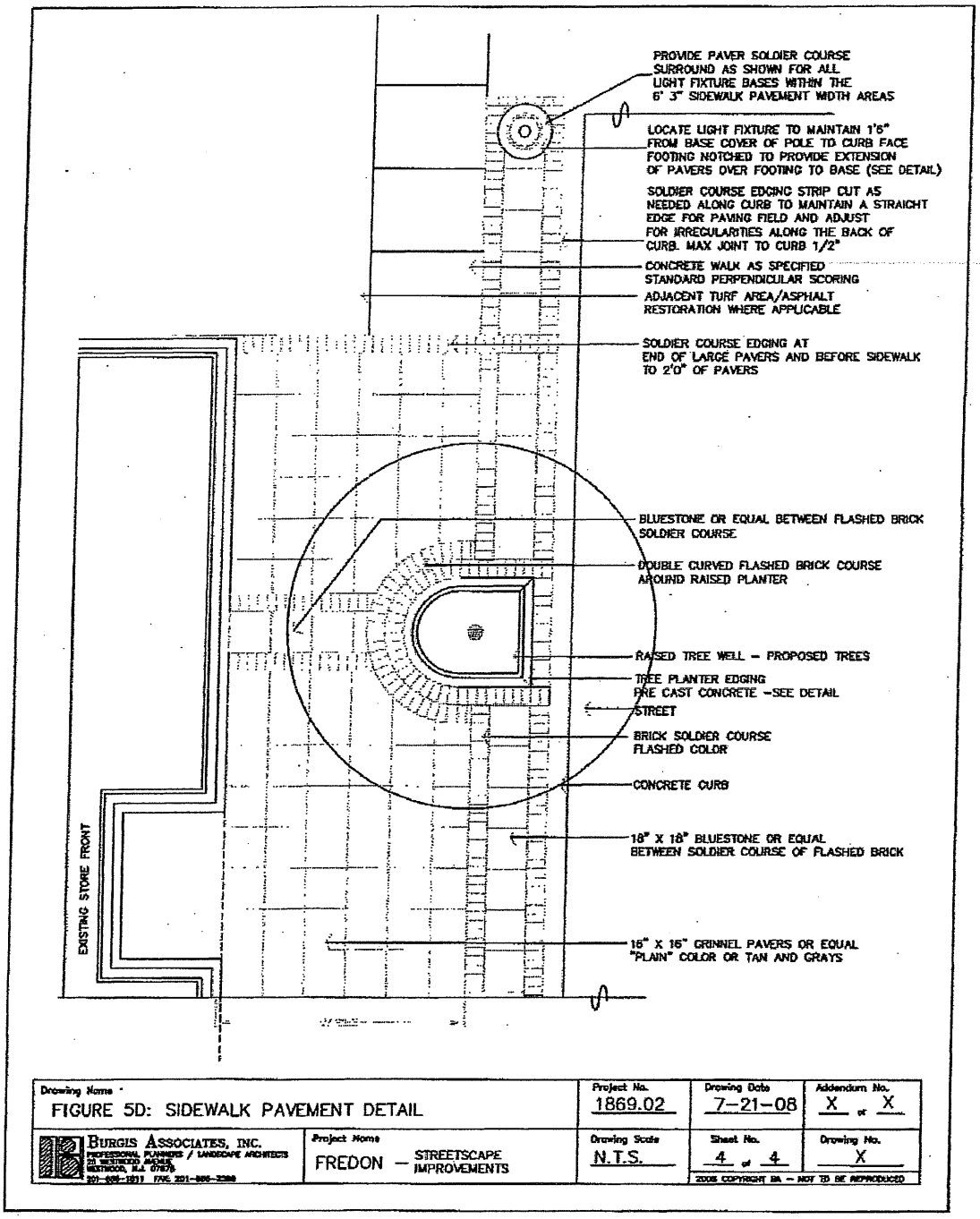


550 Attachment 10

Township of Fredon



Township of Fredon



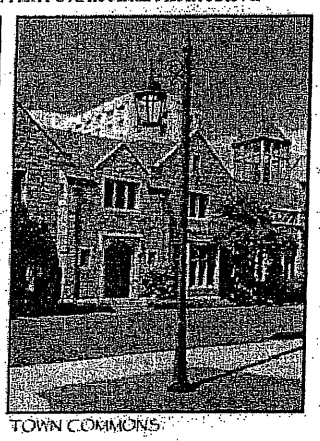
550 Attachment 12

Township of Fredon

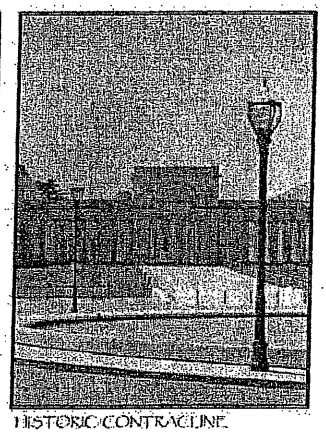
DECORATIVE LIGHT FIXTURES

EXAMPLES PROVIDED BY ARCHITECTURAL AREA LIGHTING

CIVIC LANTERN



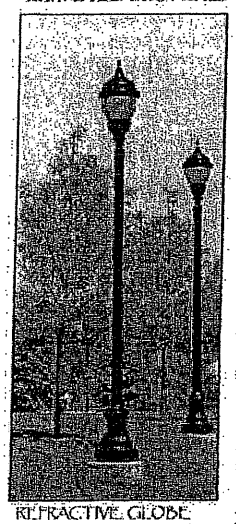
TOWN COMMONS



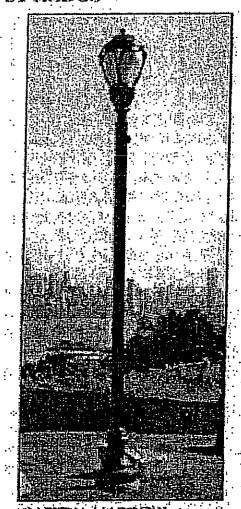
HISTORIC CONTRACLINE

DECORATIVE LIGHT FIXTURES

EXAMPLES PROVIDED BY HADCO

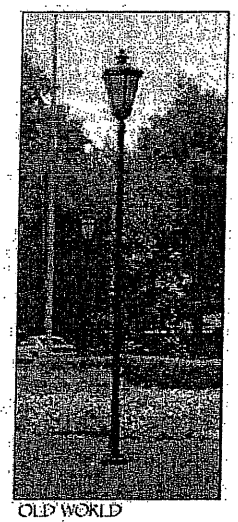


REFRACTIVE GLOBE



CAPITAL NARROW

SAVANNAH



OLD WORLD

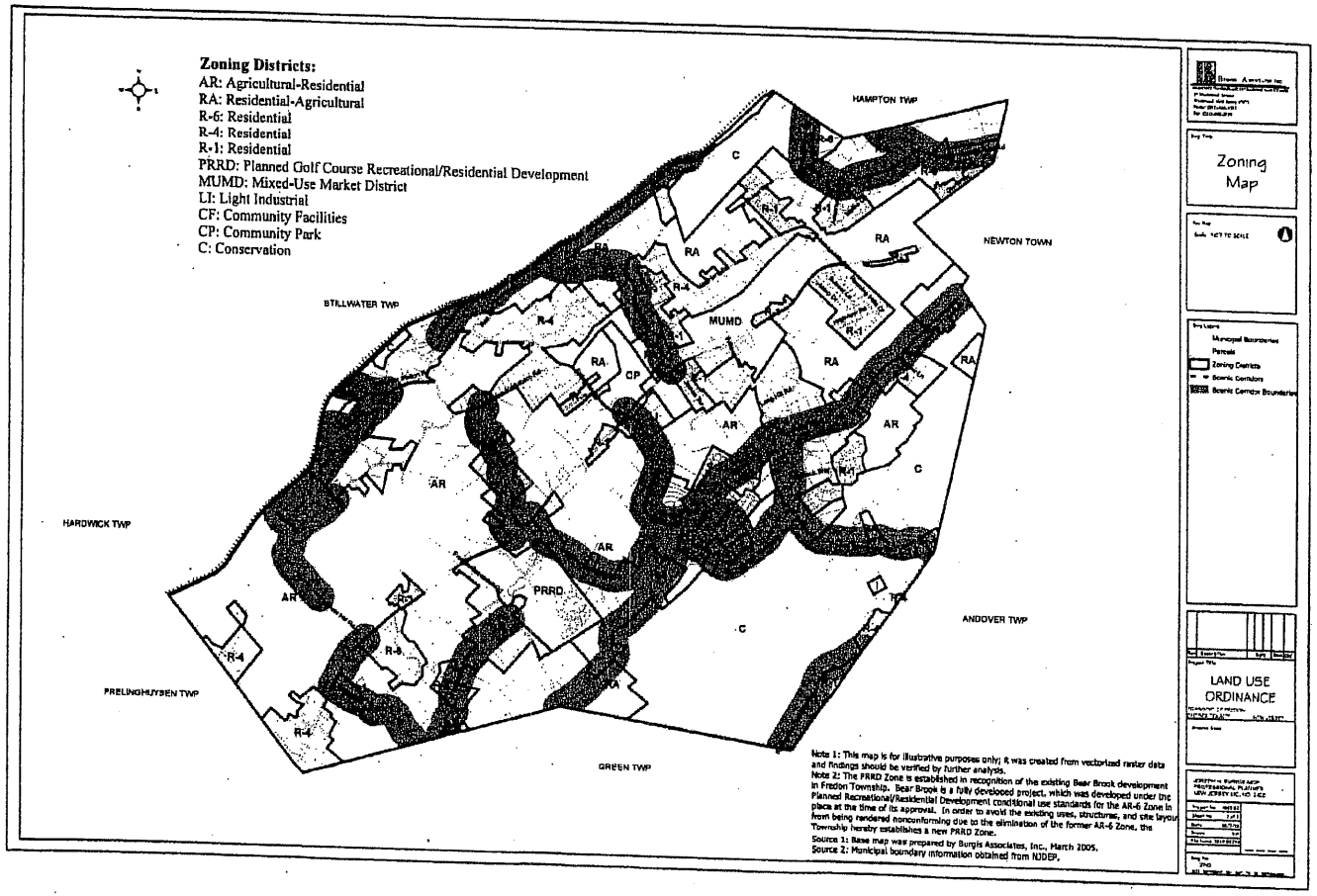
Drawing Name	Project No.	Drawing Date	Addendum No.
FIGURE 6 DECORATIVE LIGHTING EXAMPLES	1869.02	2-24-09	X of X
BURGIS ASSOCIATES, INC. PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS 25 WESTWOOD AVENUE WESTWOOD, N.J. 07675 201-666-1811 FAX: 201-666-2268	Project Name: FREDON – STREETSCAPE IMPROVEMENTS	Drawing Scale: N.T.S.	Sheet No.: 1 of 1
			Drawing No.: X

2008 COPYRIGHT BA. – NOT TO BE REPRODUCED

550 Attachment 13

Township of Fredon

Zoning Map



APPENDIX

Chapter A575

CABLE TELEVISION FRANCHISE

§ A575-1. Introductory provisions; purpose.
§ A575-2. Definitions.
§ A575-3. Statement of findings.
§ A575-4. Grant of municipal consent.
§ A575-5. Duration of franchise and extension of service.
§ A575-6. Franchise fee.
§ A575-7. Rates.
§ A575-8. Territory.
§ A575-9. Construction requirements.
§ A575-10. Local office.
§ A575-11. Municipal Complaint Officer.
§ A575-12. Performance bond.
§ A575-13. Local programming and public educational and governmental access.
§ A575-14. Free services.
§ A575-15. Programming.
§ A575-16. Liability insurance.
§ A575-17. Filing with Township Engineer.
§ A575-18. Activities prohibited.
§ A575-19. Incorporation of the application.
§ A575-20. Severability.
§ A575-21. Consistency with other provisions.
§ A575-22. When effective.

[HISTORY: Adopted by the Township Committee of the Township of Fredon 9-12-2012 by Ord. No. 2012-07.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Television coaxial systems — See Ch. 484.

§ A575-1. Introductory provisions; purpose.

The municipality hereby grants to the company its nonexclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

§ A575-2. Definitions.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and

1. Editor's Note: This ordinance also repealed former Ch. A575, Cable Television Franchise, adopted by Ord. No. 96-03 (Ch. VIII of the 1972 Revised General Ordinances).

Regulations, 47 C.F.R. subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

ACT OR CABLE TELEVISION ACT — Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 et seq.

COMPANY — The grantee of rights under this ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.

MUNICIPALITY OR TOWNSHIP — The Township of Fredon, County of Sussex, State of New Jersey.

§ A575-3. Statement of findings.

A public hearing concerning the consent herein granted to the company was held, after proper public notice, on May 24, 2012, pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of the company to receive this consent, the municipality hereby finds that the company possesses the necessary legal, technical, character, financial, and other qualifications, and that the company's operating and construction arrangements are adequate and feasible.

§ A575-4. Grant of municipal consent.

The Township hereby grants to the company a nonexclusive consent to the issuance of a franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Township of Fredon, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Township of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

§ A575-5. Duration of franchise and extension of service.

The consent herein granted shall expire 10 years from the date of expiration of the new certificate of approval as issued by the Board of Public Utilities (BPU). The company shall be required to proffer service to any persons, residents or businesses in conformance with its tariff on file with the Office of Cable Television, including, and subject to any policies for line extension and/or nonstandard installations.

§ A575-6. Franchise fee.

Pursuant to the terms and conditions of the Act, the company shall, during each year of operation under the consent granted herein, pay to the municipality 2% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

§ A575-7. Rates.

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider.

§ A575-8. Territory.

The consent granted herein to the company shall apply to the entirety of the municipality, and any property hereafter annexed.

§ A575-9. Construction requirements.

A. Restoration. In the event that the company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

B. Relocation.

(1) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the company, upon reasonable notice by the municipality, shall remove, re-lay and relocate its equipment, at the expense of the company.

(2) The company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the municipality, in which case the company shall bear the cost.

C. Removal or trimming of trees. During the exercise of its rights and privileges under this franchise, the company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the municipality, so as to prevent the branches of such trees from coming in contact with the wires and cables of the company. Such trimming shall be only to the extent necessary to maintain proper clearance for the company's facilities.

§ A575-10. Local office.

During the term of this franchise, and any renewal thereof, the company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday.

§ A575-11. Municipal Complaint Officer.

A. The Office of Cable Television is hereby designated as the complaint officer for the municipality, pursuant to N.J.S.A. 48:5a-26(b).

B. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

§ A575-12. Performance bond.

A. During the life of the franchise, the company shall give bond to the municipality, which bond shall be in the amount of $25,000.

B. Such bond shall be to insure the faithful performance of all undertakings of the company as represented in its application and incorporated herein.

§ A575-13. Local programming and public educational and governmental access.

The company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its application for renewal of municipal consent.

§ A575-14. Free services.

The company shall provide services in accordance with its tariff for cable television service approved by the Board of Public Utilities on January 1, 2012. In addition, the company shall provide the following services to the Township of Fredon free of charge:

A. Two cable connections for the Fredon municipal Building located at 443 Route 94, Newton, New Jersey.

B. Two cable connections for the Fredon Fire Department/Civic Center located at 436 Route 94, Fredon, New Jersey.

C. One cable connection for the Fredon Public Works Building located at 443 Route 94, Fredon, New Jersey.

D. Thirty cable connections for the Fredon Township School located at 459 Route 94, Fredon, New Jersey.

§ A575-15. Programming.

Although nothing herein shall require the company to carry or transmit any particular television stations or programming source, the company shall provide the subscribers in the Township with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the application for municipal consent.

§ A575-16. Liability insurance.

A. The company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of $1,000,000 combined single limit for bodily injury or death to one person, $500,000 for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of $10,000,000.

B. The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Township Clerk prior to commencing any work.

§ A575-17. Filing with Township Engineer.

The company shall cause all construction plans relating to work on any extensions of its plant, or work which could have significant impact on public works within the Township, to be filed with the Township Engineer's Office.

§ A575-18. Activities prohibited.

The company shall not allow its cable or other operations to interfere with television reception or persons not served by the company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Township.

§ A575-19. Incorporation of the application.

All of the commitments and statements contained in the application and any amendment thereto submitted in writing to the municipality by the company, except as modified herein, are binding upon the company as terms and conditions of this consent. The application and any other relevant writings submitted by the company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

§ A575-20. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

§ A575-21. Consistency with other provisions.

Should any of the federal or state acts, regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions and meaningfully can be incorporated into this ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this ordinance becomes invalid by virtue of such modification(s), the preceding section, § 575-20, shall apply.

§ A575-22. When effective.

This ordinance shall take effect upon its final passage and publication according to law.

DERIVATION TABLE

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Township of Fredon adopted since 3-12-2009, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).]

---

§ DL-1. Disposition of legislation.

Ordinance Number	Adoption Date	Subject	Disposition
2009-02	3-12-2009	Vehicles and traffic amendment	Ch. 515
2009-04	4-23-2009	Fees amendment	Ch. 245
2009-05	6-25-2009	Solid waste: recycling	Ch. 398
2009-07	8-13-2009	Fees amendment	Ch. 245
2010-05	6-10-210	Fees amendment	Ch. 245
2010-07	8-26-2010	Fees amendment	Ch. 245
2010-09	8-26-2010	Fees amendment	Ch. 245
2010-11	9-9-2010	Fees amendment	Ch. 245
2010-12	11-22-2010	Land use procedures amendment; driveways amendment; fees amendment; site plan review amendment; subdivision of land amendment; zoning amendment	Ch. 45; Ch. 219; Ch. 245; Ch. 424; Ch. 470; Ch. 550
2011-02	1-27-2011	Fees amendment	Ch. 245
2011-06	6-23-2011	Flood control	Ch. 270
2011-07	6-23-2011	Fire prevention amendment	Ch. 262
2011-08	7-14-2011	Uniform construction codes	Ch. 200
2011-09	7-28-2011	Fire prevention amendment	Ch. 262
2011-10	7-28-2011	Fees amendment	Ch. 245
2011-11	8-11-2011	Contracts: political contribution limits	Ch. 14, Art. I
2011-12	11-28-2011	Adoption of Code	Ch. 1, Art. III
2012-05	6-14-2012	Zoning amendment	Ch. 550
2012-07	9-12-2012	Cable television franchise	Ch. A575
2013-04	7-11-2013	Fees amendment	Ch. 245

Ordinance Number	Adoption Date	Subject	Disposition
2013-06	12-12-2013	Parks and recreation areas amendment	Ch. 372
2014-02	2-12-2014	Board of Recreation Commissioners amendment	Ch. 9, Art. III
2014-08	11-24-2014	Joint Municipal Court	Ch. 17
2015-06	12-10-2015	Alcoholic beverages amendment	Ch. 119
2016-03	5-24-2016	Vacant and abandoned properties	Ch. 505
2016-05	6-9-2016	Fees amendment	Ch. 245

DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

– A –

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