

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD ON  
DECEMBER 4, 2007.

The meeting was called to order by Mayor Kievit at 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Councilman Ross, Councilman Lasinski, Manager Marianne Smith, and Clerk Jane Bakalarczyk

**SALUTE THE FLAG:**

**CONSENT AGENDA:** ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

**Minutes:**

1. Regular Minutes of 11/20/07
2. Executive Session Minutes of 11/20/07
3. Workshop Minutes of 11/27/07
4. Executive Session Minutes of 11/27/07

**Agreements/Applications/Licenses:**

1. Raffle License – Hardyston Township PTA
2. Raffle License – Wallkill Valley Booster Club

A motion was made by Ross to approve the consent agenda as presented, seconded by Lasinski. All in favor. Motion carried.

**ORDINANCES:**

**1st READING: 2007-19**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,  
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL  
SERVICES AGREEMENT BETWEEN  
THE TOWNSHIP OF HARDYSTON AND THE BOROUGH OF HAMBURG FOR CODE  
ADMINISTRATION AND ENFORCEMENT SERVICES PURSUANT TO THE UNIFORM  
CONSTRUCTION CODE**

**WHEREAS**, the Township of Hardyston currently provides its residents with Uniform Construction Code Administration and Enforcement services; and

**WHEREAS**, the Borough of Hamburg is desirous of entering into an agreement with the Township for the use of the Township's Uniform Construction Code Administration and Enforcement services; and

**WHEREAS**, it has been determined that the most expeditious and cost-effective way to proceed with the utilization of such services would be for both municipalities to enter into an Interlocal Services Agreement whereby the Township of Hardyston would supply the Uniform Construction Code Administration and Enforcement services to the Borough of Hamburg, in a manner as specifically set forth in the attached agreement; and

**WHEREAS**, it is the purpose of said agreement to set forth the various duties, responsibilities and obligations of the parties hereto; and

**WHEREAS**, the Interlocal Service Act (N.J.S.A. 40:8A-1, et seq.) authorizes and empowers the Township and the Borough to enter into this Agreement for the purposes of having the Township of Hardyston provide services contemplated by this Agreement to the Borough of Hamburg.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey as follows:

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1. The Township of Hardyston hereby authorizes the entering in of an Interlocal Service Agreement with the Borough of Hamburg for the providing of Uniform Construction Code Administration and Enforcement services.
2. The Mayor is hereby authorized to execute and the Township Clerk to witness, an Interlocal Services Agreement between the Township of Hardyston and the Borough of Hamburg.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.
6. A copy of this ordinance, upon final adoption, along with the executed agreement, shall be provided to the Borough of Hamburg and the Department of Community Affairs for their information and guidance.

A motion was made by Ross to approve Ordinance 2007-19 on first reading, seconded by Lasinski. All in favor. Motion carried.

**2007-20**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 94, FIRE  
PREVENTION, WITH THE ADDITION OF ARTICLE II, FIRE LANES**

**BE IT ORDAINED**, by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey as follows:

**SECTION 1.** Chapter 94, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended and supplemented to establish newly created Article II, "Fire Lanes" to read as follows:

**§ 94-11. Purpose.**

It is determined that the operation and parking of motor vehicles in close proximity to buildings and areas devoted for public uses, including shopping centers, malls, banks, restaurants, stables, bars, gas stations, theaters and other places of public assembly, nursing homes, hospitals, schools, public buildings, churches and similar uses, fire hydrants, cisterns, and other fire department connection and suction points, constitute a danger to public health, safety and welfare in that the approach, operation and departure of fire equipment and other emergency vehicles are impeded by such operation and parking of motor vehicles.

**§ 94-12. Authority to establish fire lanes.**

- A. The Fire Prevention Bureau is hereby authorized, subject to approval by resolution adopted by the Township Council, to establish fire lanes on properties in the Township devoted to public uses, including but not limited to those uses described in § 94-11, where the operation and parking of motor vehicles in close proximity to buildings and designated areas located on such properties would prevent adequate ingress, egress, and operation of fire equipment and other emergency vehicles.
- B. The fire lanes to be established pursuant to this section shall be designated in such areas of such properties as will ensure fire equipment and other emergency vehicles unobstructed means of ingress, egress and operation to such properties in the event of fire or other emergency.

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**§ 94-13. Factors for determination of fire lanes.**

The number and location of such fire lanes shall be determined by the Fire Prevention Bureau, subject to approval by resolution adopted by the Township Council. Such determination and approval shall be based upon the size, type of construction and location of the building, buildings or suction point involved; the use to which the property, building or buildings is put; the number of motor vehicles operated or parked upon the property; the number of persons using and occupying the property, building or buildings; the total area of the property, including the size of the parking lot; and all other factors which are relevant to the public health, safety and welfare of the inhabitants of the Township. The actual dimensions of the fire lanes shall be the measurements established pursuant to Section F-311.0 of the New Jersey State Fire Prevention Code, which is adopted and enforced by the Borough in accordance with § 94-1 and § 94-2.

**§ 94-14. Establishment in front of hydrants, cistern and other fire department connections.**

Fire lanes are to be established and maintained in front of any fire hydrant, cistern or other fire department connection located on both public and private property.

**§ 94-15. Posting of signs; Marking of fire lanes.**

All fire lanes within the Township of Hardyston shall be striped and signs posted in the following manner:

A. Signs.

- (1) All signs shall be 12 inches by 18 inches in size.
- (2) Light-reflective material shall be used for the sign background and lettering.
- (3) All signs, whether wall- or post-mounted, shall be placed 100 feet apart, center to center. Whenever the fire lane changes angle or direction more than 60°, a sign is to be placed at the point of change, and a sign is required at the beginning and end of the lane. In all circumstances, a sign shall be visible from another sign. Additional signs may be required at the discretion of the Fire Prevention Bureau.
- (4) The sign shall be placed at a height of seven feet, as measured from the ground surface to the bottom of the sign at an angle of 45° facing the direction of the flow of traffic.
- (5) The fire lane sign shall state "NO PARKING FIRE LANE".

B. Striping.

- (1) Stripes shall be three inches wide.
- (2) All fire lanes shall be striped at a width of four feet, as specified by the Fire Prevention Bureau.
- (3) The lettering "NO PARKING FIRE LANE" shall be placed within the striped outer boundary lines of the fire lane at a minimum of one-hundred-foot intervals.
- (4) The letters shall be 18 inches in height and shall be placed within the center of the fire lane.
- (5) Paint for all letters and striping shall be yellow in color and be of a reflective-type material.

- C. Upon the designation of any such area as a fire lane, the Chief of the Fire Prevention Bureau shall promptly notify the owner of the premises of such designation. Within 30 days of his receipt of such notification, the owner of the premises shall cause to be erected on the premises, at such

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location or locations as shall be designated by the Chief of the Fire Prevention Bureau, signs indicating that parking is not permitted in said fire lanes.

**§ 94-16. Erection of signs by Township.**

In the event the owner or owners of property fail or refuse to erect signs in accordance with the directions and specifications of the Township as expressed in § 94-15(A), the Township shall be permitted to enter onto the property and erect such signs and bill the property owner for the cost of the work. Failure of the property owner to pay to the Township the full amount due within 10 days from a demand by the Township shall be considered a violation of this chapter.

**§ 94-17. Enforcement.**

The Bureau of Fire Prevention and the Township Police Department shall have concurrent jurisdiction to enforce the provisions of this section.

**§ 94-18. Parking in or obstructing fire lanes.**

No person shall at any time park or leave unattended a motor vehicle in any area designated as a fire lane, nor shall any person, firm or corporation place or construct any structure in a designated fire lane nor place any obstruction thereon which will impair the free passage and access of fire-fighting vehicles, apparatus or firemen or impair the free use of an exit or exit discharge from any building. This shall not apply to emergency vehicles or firemen while engaged in the actual performance of official duties.

**§ 94-19. Violations and penalties.**

Any person, firm or corporation violating this article shall be assessed a fine of \$100.00 per occurrence.

**§ 94-20. Removal of vehicle as additional penalty.**

In addition to the penalty provided in § 94-19, when any motor vehicle shall be found to be improperly parked within any fire lane in violation of this article, any enforcing officer, in addition to any other remedies provided herein, may order the motor vehicle to be removed by a towing service. The owner of the vehicle, in addition to any other responsibilities incurred herein, shall be responsible for all towing and storage charges incurred.

**SECTION 2.** All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

A motion was made by Ross to approve Ordinance 2007-20 on first reading, seconded by Lasinski. All in favor. Motion carried.

**ORDINANCES:**

**2nd READING:** None

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**NEW BUSINESS:**

A. Resolution authorizing the execution of the following contracts/agreements:

1. Fuel Facility Inter-Local Agreement – Hamburg Borough
2. Statewide Insurance Fund
3. Special Legal Counsel – Fred Semrau

A motion was made by Ross to approve the resolution for all of the above as presented, seconded by Lasinski. All in favor. Motion carried.

**BILLS TO BE PAID:** A motion was made by Ross to approve the bill list as presented, seconded by Lasinski. All in favor. Motion carried.

**PUBLIC PORTION:** A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Ross to adjourn, seconded by Lasinski. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk

