

**ORDINANCE 2000-01**

**ORDINANCE ACCEPTING DONATION OF LAND**

**ORDINANCE 2000-02**

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING CHAPTER XVI OF THE LAND USE CODE OF THE TOWNSHIP ENTITLED "SITE PLAN REVIEW".**

This ordinance, which was recommended by the Township Planning Board amends the Land Use Code of the Township of Hardyston to establish a procedure to review minor site plans. The ordinance specifies the type of improvements that require a Board approval and creates a simpler, and less costly, process for small additions to commercial structures, change in use of commercial structures, etc.

**ORDINANCE 2000-03 - AN ORDINANCE TO APPROVE AND ADOPT MAPS OF THE AREA OR AREAS IN HARDYSTON TOWNSHIP THAT ARE WITHIN 1,000 FEET ANY PROPERTY USED FOR SCHOOL PURPOSES.**

This ordinance approves and adopts maps to be used in the enforcing of penalties for operating a motor vehicle while under the influence of liquor or drugs with 1000 feet of any property used for school purposes. Recent State law provides for the doubling of "drunk driving" penalties if committed within 1000 feet of a school. The map is intended to assist prosecutors in the enforcement of the new state guidelines.

**ORDINANCE 2000-04 - A MUNICIPAL ORDINANCE PROHIBITING POLITICAL FUNDRAISING ON OR BY USE OF PUBLIC PROPERTY**

The ordinance establishes guidelines to prohibit political fundraising on any municipal property and prohibits the use of any public property for the same reason. This ordinance was suggested to the Township Council by New Jersey Common Cause and has been adopted and several other municipalities through out the State.

**ORDINANCE 2000-05 - AN ORDINANCE TO AMEND CHAPTER XIX OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON, ENTITLED, "FEES"**

In conjunction with Ordinance 2000-02, this ordinance establishes application fees and escrow fees for minor site plans.

**ORDINANCE 2000-7 - AN ORDINANCE TO AMEND CHAPTER 4, POLICE REGULATIONS, SECTION 4-3.5, FALSE ALARMS, AND SECTION 4-3.6, VIOLATIONS AND PENALTIES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON**

This ordinance amends the penalties for false alarms as well as the number of times an alarm may be false before a summons or fine is levied. Under the previous guidelines fines were imposed with the third false alarms in a twelve month period. After reviewing statistics for the program's first three years (1996-1998), the Township Police Department made recommendation to the Township Council to implement penalties upon the fifth false alarm in a twelve month period.

**ORDINANCE 2000-08 - ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING SECTION 13-5.5i ENTITLED "COMMERICAL RECREATION" OF CHAPTER XIII ENTITLED "ZONING" TO ADD A NEW PARAGRAPH REGARDING PRE-EXISTING USES**

In 1998, upon recommendation of the Township Planning Board, the Township Council amended the zoning of the lands along Route 94 north of the Borough of Hamburg, from R-2 Residential and B-2 Highway Commercial to Commercial Recreation. The Commercial Recreation Zone allows, as conditionally permitted uses, golf course, resort oriented housing, conference centers and certain retail uses. This change left several small retail establishments as "non conforming" uses within the zone. Given their non-conforming status, any change (even minor) to the site would require a costly application to the Zoning Board of Adjustment. Ordinance 2000-08 allows the existing retail establishments in the Commercial Recreation Zone to expand in accordance with the prior B-2 zoning.

**ORDINANCE 2000-09 - ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING SECTION 1305.8h27 ENTITLED "CONFERENCE CENTERS" AND SECTION 13-5.8b20 ENTITLED "RESORT ORIENTED HOUSING IN CONNECTION WITH GOLF COURSES" OF CHAPTER XIII ENTITLED "ZONING" OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF HARDYSTON**

Allows Hotel/Conference centers that may be adjacent to golf courses to utilize the golf course lands (if deed restricted to golf only) as part of their overall lot size calculation.

**ORDINANCE 2000-10 - AN ORDINANCE TO AMEND CHAPTER XIX OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON, ENTITLED, "FEES"**

State law provides for farmland property, meeting certain criteria, to be taxed at a substantially reduced rate. In order to qualify owners of farmland must file an application each August with the municipal tax assessor. In 1998, the Township Council determined to conduct a comprehensive field inspection of each property applying for farmland

assessment to ascertain compliance with all State regulations. In order to conduct these inspections, additional part time temporary inspectors were hired. An application fee of \$25 per farmland assessment application was established in order to help offset the cost of the additional inspections. Approximately \$2,100 in additional revenue was raised as a result of the fee. Beginning in 2000 inspections of farmland property were once again to be conducted by the Township Tax Assessor as part of his regular duties. Therefore, the Council, in May 2000 repealed the \$25 farmland assessment application fee by Ordinance 2000-10. (for additional information on the farmland assessment program please contact the Township Tax Assessor at 827-3912)

**ORDINANCE 2000-11 - ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING THE CODE OF THE TOWNSHIP ENTITLED "ZONING" TO SET FORTH REGULATIONS REGARDING LOW AND MODERATE INCOME HOUSING UNITS AND ESTABLISH DEVELOPMENT FEES.**

In 1975 in a decision commonly referred to as the "Mount Laurel Decision" the Supreme Court of the State of New Jersey decided that all developing municipalities have an obligation to provide opportunity for the construction of housing for low- and moderate-income families. This decision was clarified by the Court's "Mount Laurel II" decision in 1983 in which the Court held that all municipalities have an obligation to provide for low- and moderate-income housing. In 1985, in response to the two Supreme Court cases, the New Jersey State Legislature adopted the Fair Housing Act which created the Council on Affordable Housing (COAH) as an administrative alternative to the Court system for low- and moderate-income housing cases. The Council on Affordable Housing, by formula, determines the amount of low- and moderate-income housing each municipality in the State is required to provide for. Municipalities then have the opportunity to file a plan with COAH as to how their obligations will be met. By filing a plan with COAH and receiving COAH, municipalities shield themselves from potential costly fair housing litigation. COAH has determined that the Township of Hardyston must provide for a total of 38 housing units for low- and moderate-income families. Through creative use of State grants to rehabilitate homes of low- and moderate-income families the Township has received credit for 25 units of affordable housing leaving their obligation at 3 units. Ordinance 2000-11, along with the Fair Housing Plan adopted by the Township Planning Board, provides the administrative and financial mechanism to provide all of the Township's COAH units. The Ordinance creates a "write down-buy down program" whereby the Township will provide financial assistance up to \$20,000 to income qualified families to purchase existing homes in the Township. Properties purchased through this program are deed restricted to low- and moderate-income families for a number of years. Ordinance 2000-11 also creates a developers fee to generate funds which will be utilized to finance the program. Developer's receiving approval from the Township Planning Board (or Zoning Board) will be required to contribute 1/3 of 1% of the total assessed value of a new home (approximately \$300 per \$100,000 in assessed value) to the Township's affordable housing fund. Funds generated will be placed in a trust account for the sole purpose of subsidizing the Township's affordable housing

program.(For more information on the Township's Affordable Housing Program please contact the Hardyston/Franklin Community Development Office at 827-3912 or 827-4144).

**ORDINANCE NO. 2000-12 - ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING SECTION 13-5.8b.2 ENTITLED "INSTITUTIONAL AND PUBLIC USES OF SECTION 13-5.8" ENTITLED "REGULATIONS GOVERNING CONDITIONAL USES OF CHAPTER 13 ENTITLED "ZONING OF THE CODE OF THE TOWNSHIP OF HARDYSTON"**

The Township's Zoning Code allows Institutional uses (defined as use by a public or nonprofit quasi-public or private institution for educational, religious, charitable or medical purposes) meeting certain conditions to be located in residential zones. Ordinance 2000-12 clarified and amended the conditions, including minimum lot size, parking, impervious cover and building setbacks, by which these type uses are permitted.

**ORDINANCE NO. 2000-13 - ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING THE CODE OF THE TOWNSHIP ENTITLED "ZONING" TO SET FORTH REGULATIONS REGARDING LOW AND MODERATE INCOME HOUSING UNITS AND ESTABLISH DEVELOPMENT FEES.**

Ordinance 2000-13 provided certain technical amendments required by the New Jersey Council of Affordable Housing (COAH) to Ordinance 2000-11, which is more fully described above.

**ORDINANCE 2000-14 - AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES.**

Hardyston Township municipal laws, from zoning codes to traffic regulations, are all contained within the Code of the Township. The Township recently completed a year long process of changing the format of the printed Code to a more user friendly form. As part of this project the Code was also converted to a digital format and placed on CD-ROM and made internet ready. The entire Code of the Township can now be accessed on the internet at [www.generalcode.com/webcode2.html](http://www.generalcode.com/webcode2.html) (click on Hardyston, N.J.). A direct link to the Code will be made part of the Township's updated website (Hardyston.com) scheduled for release later this year. While the change in format made no substantive

changes to any laws in the Township, State law does require the new format to be adopted by Ordinance. This was done earlier this year through Ordinance 2000-14.

**ORDINANCE 2000-15** - AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE INDIAN FIELDS AT HARDYSTON (PHASE II), AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS, AND PARKING LOTS BY MOTOR VEHICLES.

State law allows municipalities to enforce motor vehicle regulations on private roads in developments if:

1. The Association responsible for the private road requests the Township to provide enforcement;
2. The regulations are reviewed and approved by the New Jersey Department of Transportation;
3. The local laws such as stop signs and speed limits are adopted by Ordinance by the governing body of the municipality; and
4. Proper signage is installed. Ordinance 2000-15 provides for municipal enforcement of motor vehicle regulations on newly constructed roads within the Indian Fields development (Forest Hill Way, Meadow Trail, Sundance Terrace, Pale Star Court). Older roadways within the development receive municipal enforcement through prior Ordinances.

**ORDINANCE 2000-16** - AN ORDINANCE AMENDING CHAPTER 88, FEES, SECTION 3, LAND USE FEES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON

Township land use regulations provide for Master Plans to be submitted to the Township Planning Board on certain large scale developments. Ordinance 200-16 established a fee for submitting such application to the Board. Fee is determined based upon the total acres of the development, total proposed residential units, total proposed hotel rooms and total square footage of non-residential buildings excluding hotels.

**ORDINANCE 2000-17** - AN ORDINANCE AMENDING CHAPTER 88, FEES, SECTION 8, MISCELLANEOUS FEES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON.

Ordinance 2000-17 amends and reduces the fee to purchase the entire Code of the Township of Hardyston. Fee for the Code was reduced

**ORDINANCE 2000-18** - AN ORDINANCE AMENDING CHAPTER 185, ZONING, OF THE CODE OF THE TOWNSHIP OF HARDYSTON

**ORDINANCE 2000-19** - AN ORDINANCE AMENDING CHAPTER 26, BOARD OF HEALTH, OF THE CODE OF THE TOWNSHIP OF HARDYSTON