

**HARDING TOWNSHIP
ORDINANCE NO. 05-15**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING AND REVISING
CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED “LAND USE” AND CHAPTER 346 OF
THE TOWNSHIP CODE ENTITLED “STREETS AND DRIVEWAYS”**

WHEREAS, the Township Committee of the Township of Harding finds that it is necessary and in the public interests to make certain amendments to the certain sections of the Code of the Township of Harding, including the Land Use Code based upon the recommendation of the consulting engineer, Thomas Lemanowicz.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that the following section of Chapter 225 of the Township Code entitled “Land Use” and Chapter 346 of the Township Code entitled “Streets and Driveways” be and are hereby amended [added portions are **bolded** and underlined; deleted portions have strikethrough]:

SECTION 1. Paragraph A of § 225-4 entitled “Zoning permit required” is hereby revised to read as follows:

A. Subject to the exemptions in Subsection **B**, no building or other structure shall be erected, constructed, remodeled, moved, enlarged or externally altered, no building or structure shall be used or occupied and no grading permit, building permit or certificate of occupancy shall be issued unless and until a zoning permit has been issued by the Zoning Officer. A zoning permit shall also be required for a change in use or occupancy of a nonresidential property and for development activity not requiring a grading permit or building permit, including but not limited to installation ~~of addition~~ **or enlargement of** driveway paving, a patio, deck, exterior stairs/steps, **a sign, a fence, driveway entrance gates, driveway entrance pillars or posts (including light posts)**, recreation court, shed or other structure not requiring a building permit.

SECTION 2. Paragraph D (5) of § 225-116 entitled “General Regulations” is hereby revised to read as follows:

5. No fence, wall or pillar, regardless of its height, shall be constructed within 25 feet of the center line of a road or within any recorded road right-of-way.

SECTION 3. § 225-116 entitled “General Regulations” is hereby amended to include the following new subparagraph **Q** to read as follows:

Q. Gates, pillars, and posts constructed adjacent to driveways shall satisfy the following requirements:

(1) The placement of driveway gates, pillars and posts shall be no less than 40 feet from the edge of pavement on the opposite side of the roadway, public or private, to which the driveway is connected. When measuring the distance to a gate, the distance shall be the minimum distance permitted by the gates’ swing path. Posts no larger than 4 inches by 4 inches when used solely to support gate control devices or intercoms shall be no less than 11 feet from the nearest edge of roadway pavement.

(2) The space between driveway gates, pillars and posts shall provide a minimum clear width of 20 feet. Fences adjoining, abutting or connected to driveway gates, pillars and posts shall not interfere with the area required for the turning radii of the Township’s emergency apparatus.

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(3) No part of a fence, driveway gate, pillar or post may be located within a public right-of-way. This restriction includes, but is not limited to any keypad or other type of gate controller or intercom or similar appurtenance.

(4) Fences shall be set in accordance with § 225:116 (D) 5 of the Code.

(5) All gates controlled by a security feature must have a keyless entry system for EMS vehicles. This feature shall be tested and approved by the Township Police Department prior to final inspection by the Construction Department.

(6) Exterior lighting fixtures mounted on any post, pillar, or gate shall comply with Chapter 233 of the Code.

SECTION 4. Paragraph C of § 346-14, entitled "Construction and maintenance; permit; enforcement" is hereby amended as follows:

C. **(1)** A driveway shall be constructed in accordance with the specifications for private roads serving four or fewer lots set forth in § 225-76B(1) of this Code. Nothing herein contained shall relieve the responsible party from otherwise complying with the construction and design specifications of driveway improvements during the normal course of construction and as required by Article I of this chapter.

(2) Any gates, pillars and/or posts constructed adjacent to driveways shall be done so in accordance with the requirements set forth in § 225-116 Q of this Code. In that regard, notwithstanding the provision of paragraph D of this section, the provisions of § 225-116 Q shall be enforced by the Township Zoning Officer, and to the extent it may be required by the Zoning Officer, with the assistance of the Township Engineer.

SECTION 5. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 6: This ordinance shall take effect upon final passage and publication according to law.

SECTION 7. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16 and with the Township Tax Assessor.

SECTION 8: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

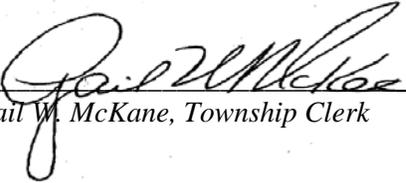
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SECTION 9: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

DATED: October 19, 2015

I, Gail W. McKane, Township Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing ordinance to be a true and correct copy of the ordinance adopted by the Township Committee at the meeting held on October 19, 2015.



Gail W. McKane, Township Clerk