

**HARDING TOWNSHIP COMMITTEE**  
**MONDAY, SEPTEMBER 12, 2022**  
**IN-PERSON**  
**EXECUTIVE SESSION at 6:00 PM**  
**REGULAR MEETING AGENDA at 7:00 PM**  
**Kirby Hall, Blue Mill Road, New Vernon, New Jersey**

---

**CALL MEETING TO ORDER – Mayor**

---

**ADEQUATE NOTICE** of this September 12, 2022 meeting of the Harding Township Committee was sent to the Observer Tribune on January 3, 2022 and published in the Observer Tribune on January 6, 2022.

---

**ROLL CALL – Municipal Clerk**

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones

---

**RESOLUTION TO RECESS INTO EXECUTIVE SESSION**

**Resolution TC 22-168 - Resolution to Recess into Executive Session**

**BE IT RESOLVED**, by the Harding Township Committee that it shall adjourn into executive session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b; and

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Harding provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Township Committee will return to public session after this Executive Session.

**Contracts:**

1. Affordable Housing – J. Drill, Esq.

**Litigation:**

1. Verizon Update – M. Roselli

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**RECONVENE INTO PUBLIC SESSION – Mayor**

---

**ROLL CALL – Municipal Clerk**

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones

---

**PLEDGE OF ALLEGIANCE – Mayor**

---

**ADEQUATE NOTICE** of this meeting of the Harding Township Committee was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on January 3, 2022, and published in the *OBSERVER TRIBUNE* on January 6, 2022; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 3, 2022, and Notice was filed with the Municipal Clerk on January 3, 2022.

---

**ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Jones**

**1. Centennial – October 1, 2022**

---

**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)**

**RESOLUTION TC 22-169 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES**

**Mayor Jones asks Township Committee Member \_\_\_\_\_ to proceed with Resolution TC 22-169.**

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that the minute(s) from the following meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **August 8, 2022; and**

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Harding that the minutes from the following Executive Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **August 8, 2022.**

**Township Committee Member \_\_\_\_\_:** I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee. ,

**Seconded by Township Committee Member \_\_\_\_\_.**

**Mayor Jones asks the Municipal Clerk for a Roll Call:**

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION): - NONE**

---

**DISCUSSION ITEMS:**

**1. Micro-Breweries – Mayor Jones**

---

**MEETING OPEN TO THE PUBLIC**

**NOTICE OF PUBLIC COMMENT TIME LIMIT**

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

---

**ORDINANCES FOR SECOND READING:**

**Mayor Jones** asks Township Committee Member Yates to read Ordinance TC #11-2022.

**Township Committee Member Yates** reads Ordinance TC #11-2022 by title as follows

**HARDING TOWNSHIP  
ORDINANCE #11 – 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3  
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY  
CHAPTER 225-116 ENTITLED “GENERAL REGULATIONS” IN ARTICLE XXII  
GENERAL ZONING PROVISIONS TO APPLY EMERGENCY GENERATOR STANDARDS  
TO AIR CONDITIONING CONDENSERS/HEAT PUMPS**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on August 8, 2022.

**Mayor Jones** asks the Municipal Clerk to give a summary of the legal notice.

**The Municipal Clerk States:** A legal notice was sent for publication on August 8, 2022 to the Observer Tribune for publication on August 11, 2022 indicating that Ordinance #11-2022 was introduced and passed on first reading at the August 8, 2022, 2022 meeting and indicated that the second reading and public hearing were to be held on September 12, 2022 at 7:00 pm on or at any time thereafter for consideration of final adoption. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board. Copies of this Ordinance were made available to the general public, posted on the Harding Township website, and posted in accordance with the law.

**Mayor Jones:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Jones:** closes the public hearing.

**Township Committee Member Yates:** I offer Ordinance #11-2022 and move its introduction.

**Township Committee Member**\_\_\_\_\_ seconds the motion.

**Mayor Jones** asks the Municipal Clerk for a Roll Call:

**Vote on Adoption:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**ADD-ON RESOLUTIONS: NONE**

---

**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE**

---

**CONSENT AGENDA**

The following items are considered to be routine by the Harding Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a Township Committee Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

**RESOLUTIONS TC 22-170 THROUGH RESOLUTION TC 22-176 HAVE BEEN PLACED ON THE CONSENT AGENDA**

**CONSENT AGENDA VOTE:**

I 9-08-2022

**Mayor Jones** asks Township Committee Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 22-170 through TC 22-176.

Township Committee Member \_\_\_\_\_: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member \_\_\_\_\_.

**Mayor Jones** asks the Municipal Clerk for a Roll Call:

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**APPOINTMENTS:**

**Resolution TC 22-170 – Resolution to Appoint Michael Edwards as Special Counsel for Affordable Housing**

**WHEREAS**, the Township of Harding has a need to award a contract for the services of a Special Counsel for Affordable Housing matters, commencing September 13, 2022, and ending December 31, 2022; and

**WHEREAS**, the Township is permitted to acquire such services through a “non-fair and open” process (as defined by N.J.S.A. 19:44A-20.4), meaning that the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Harding, and not by a “fair and open” process (as defined by N.J.S.A. 19:44A-20.4) such as awarding to the lowest bidder; and

**WHEREAS**, the cost of this contract is not anticipated to exceed \$17,500, as certified in writing by the appropriate Township official; and

**WHEREAS**, Surenian, Edwards & Nolan LLC (Michael J. Edwards, Esq.) has submitted a proposal dated May 19, 2022; and

**WHEREAS**, the annual contract amount is not to exceed \$17,500.00 from account #25-9999-1110-0170-2-00037; and

**WHEREAS**, Surenian, Edwards & Nolan LLC (Michael J. Edwards, Esq.) has completed and submitted the required Business Entity Disclosure Certification; and

**WHEREAS**, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Township Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the Mayor and Township Clerk are hereby authorized to enter into a contract Surenian, Edwards & Nolan LLC (Michael J. Edwards, Esq.) pursuant to the filed proposal; and

**BE IT FURTHER RESOLVED**, that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED**, that notice of this contract will be published as required by law within ten days of the passage of this Resolution.

---

**CONTRACTS:**

**Resolution TC 22-171 – Resolution to Authorize the Award of a Cleaning Contract to Blue Line Quality Services LLC, in the Amount Not to Exceed \$15,000**

**WHEREAS**, the Director of Public Works solicited competitive quotes from two (2) qualified contractors for janitorial services for the Kirby Municipal Building and the Police Department for the calendar year 2020 with the option to award two additional one year extensions; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides that the contracting agent shall award the contract after soliciting at least two competitive quotations, if practicable, for those contracts that in the aggregate are less than the bid threshold of \$40,000.00, but exceed 15 percent of the bid threshold (\$6,000.00); and

**WHEREAS**, the following two (2) quotations were received:

<u>VENDOR</u>	<u>ANNUAL CONTRACT AMOUNT</u>
1. SR Professional Cleaning	\$18,000.00
2. Blue Line Quality Services, LLC, Hardwick, NJ	\$15,000.00

And,

**WHEREAS**, the value of this contract is less than the bid threshold of \$44,000.00 and therefore may be awarded by soliciting competitive quotes without advertising for bids; and

**WHEREAS**, the Director of Public Works recommends that the contract be awarded to Blue Line Quality Services, LLC, 183 Millbrook Road, Hardwick, NJ 07825 in the amount of \$15,000.00; and

**WHEREAS**, the Director of Public Works recommends awarding the second of the two year extensions for 2022; and

**WHEREAS**, the Chief Financial Officer, has certified that sufficient funds are available in Current Fund Account #01-2022-1310-0310-2-00038 for the award of this contract, and that this certification is contingent upon, and will be subject to, appropriations in the 2022 Municipal Budget.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that it concurs with the recommendation of the Director of Public Works and hereby authorizes the Mayor to execute a janitorial cleaning contract with Blue Line Quality Services, LLC in accordance with the specifications upon which quotations were received and accepted, in the amount of \$15,000.00; and

**BE IT FURTHER RESOLVED**, that all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

---

**FINANCE:**

**Resolution TC 22-172 – Bill List**

**WHEREAS**, vouchers for payment have been submitted to the Township Committee by various municipal departments.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

---

**Resolution TC 22-173 – Resolution to Authorize the Purchase of Police Body Worn Cameras**

**WHEREAS**, there is a need to purchase body worn cameras for the Township of Harding, in the County of Morris, State of New Jersey; and

**WHEREAS**, the body worn cameras, software and storage is available for purchase under NJ State Contract (#17-FLEET-00793); and,

**WHEREAS**, pursuant to N.J.A.C. 5:30 -5.5(b), the Township Chief Financial Officer has provided a certification of funds for account #04-2022-202205-4027-4-04083 and account #02-2021-2782-0782-2-00000 in the amount of \$95,739.00; and

**WHEREAS**, on public bids are not required when the purchase is made under a state contract or co-op in accordance with N.J.S.A. 40A11-12; and

**WHEREAS**, Motorola Solutions, LLC PO Box 305, Bordentown, NJ is an approved vendor under State Contract T-0109 for a radio communication and equipment.

**BE IT RESOLVED**, by the Harding Township Committee of the Township of Harding in the County of Morris that the Municipal Clerk and the Township Administrator are hereby authorized and directed to approve and forward the required purchase order for the following vehicle:

Vendor	State Contract/ Morris County Cooperative #	Department	Quantity	Item	Price
Motorola Solutions, LLC	T-0109	Police	21	Body Worn Cameras	95,739.00
<b>TOTAL:</b>					<b>\$95,739.00</b>

**MISCELLANEOUS:**

**Resolution TC 22-174 – Resolution Authorizing the Township of Harding to Enter into a Cooperative Pricing Agreement with Cranford Police Cooperative Pricing System Pursuant to N.J.S.A. 40A:11-11(5)**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, Omnia Partners Public Sector Cooperative Purchasing Program (R-TC-17006), hereinafter referred to as the "Omnia" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, the Prince William County Public Schools is the lead agency for contract number R-TC-17006 awarded to Amazon Services, LLC for a contract for an online marketplace for the purchase of product and services; and

**WHEREAS**, on April 11, 2022, the Township Committee of the Township of Harding, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

**BE IT RESOLVED**, this Resolution TC #22-174 shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Harding; and

**BE IT FURTHER RESOLVED**, pursuant to the provisions of N. J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Omnia; and

**BE IT FURTHER RESOLVED**, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey.

**BE IT FURTHER RESOLVED**, this resolution shall take effect immediately upon passage.

---

**PERSONNEL:**

**Resolution TC 22-175 – Resolution to Authorize the Re-Appointment of Fernando Omar Atoche as a Class II Special Law Enforcement Officer**

**WHEREAS**, the Township of Harding appointed Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer for one year term commencing on August 12, 2021, in accordance with N.J.S.A. 40A:146.14 (a); and

**WHEREAS**, Acting Police Chief, Michael Gromek has recommended Mr. Atoche be reappointed as a Class II Special Law Enforcement Police Officer for an additional one year term with the Harding Township Police Department commencing August 12, 2022; and

**WHEREAS**, Fernando Omar Atoche continues to meet the requirements for a Class II Special Law Enforcement Police Officer in accordance with N.J.S.A. 40A:14-146.10; and

**WHEREAS**, the Township Committee believes that it is in the best interests of the Township to re-appoint Officer Atoche for an additional one-year term.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Acting Police Chief Michael Gromek be and hereby is accepted and that it does hereby re-appoint Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer in the Township of Harding for an additional one-year term commencing on August 12, 2022 at the rate of \$32.47 per hour.

---

**Resolution TC 22-176 – Resolution to Authorize the Re-Appointment of Patrick Meade as a Class II Special Law Enforcement Officer**

**WHEREAS**, the Township of Harding appointed Patrick Meade as a Class II Special Law Enforcement Police Officer for a one year term on September 16, 2021, in accordance with N.J.S.A. 40A:146.14 (a); and

**WHEREAS**, Acting Police Chief, Michael Gromek has recommended Mr. Meade be reappointed as a Class II Special Law Enforcement Police Officer for an additional one year term with the Harding Township Police Department commencing September 16, 2022; and

**WHEREAS**, Patrick Meade continues to meet the requirements for a Class II Special Law Enforcement Police Officer in accordance with N.J.S.A. 40A:14-146.10; and

**WHEREAS**, the Township Committee believes that it is in the best interests of the Township to re-appoint Officer Meade for an additional one-year term.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Acting Police Chief, Michael Gromek be and hereby is accepted and that it does hereby re-appoint Patrick Meade as a Class II Special Law Enforcement Police Officer in the Township of Harding for an additional one-year term commencing on September 16, 2022 at the rate of \$33.96 per hour.

---

**ORDINANCES FOR FIRST READING:**

**Mayor Jones** asks Township Committee Member \_\_\_\_\_ to introduce Ordinance #06-2022.

**Township Committee Member Platt** introduces Ordinance TC 06-2022 by title as follows:

**HARDING TOWNSHIP  
ORDINANCE #06 – 2022  
AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING  
ARTICLE XXI, CHAPTER 225-111 OF THE CODE OF THE TOWNSHIP OF HARDING  
ENTITLED TREE CONSERVATION**

**Township Committee Member Platt** explains the purpose of the Ordinance and moves for introduction on first reading.

**Township Committee Member Platt reads:**

**WHEREAS**, the above ordinance was introduced and read by title at this Township Committee meeting held on September 12, 2022.

**BE IT RESOLVED**, that at the Township Committee meeting to be held on October 17, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

**Township Committee Member Platt:** I offer Ordinance #06-2022 and move its introduction.

**Township Committee Member** \_\_\_\_\_ seconds the motion.

**Mayor Jones** asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**ADJOURNMENT – Mr. Jones**

# **ORDINANCES – PUBLIC HEARING - ADOPTION**

**1. ORDINANCE #11-2022** - ORDINANCE OF THE TOWNSHIP OF AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 225-116 ENTITLED “GENERAL REGULATIONS” IN ARTICLE XXII GENERAL ZONING PROVISIONS TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR CONDITIONING CONDENSERS/HEAT PUMPS

**HARDING TOWNSHIP**  
**ORDINANCE #11-2022**  
**AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF**  
**HARDING, SPECIFICALLY ARTICLE XXI, §225-116 ENTITLED “GENERAL**  
**REGULATIONS” TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR**  
**CONDITIONING CONDENSERS/HEAT PUMPS**

---

**WHEREAS**, the Township of Harding, in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89) prepared a Master Plan Reexamination Report, dated October 2020, to review and evaluate the Township’s Master Plan and Development Regulations to determine the need for updates and revisions; and

**WHEREAS**, the Township of Harding Planning Board adopted the Master Plan Reexamination Report, dated October 2020 on October 26, 2020; and

**WHEREAS**, the Township Code currently includes exemptions for standards related to emergency generator but does not currently include any exemptions for heating, ventilation, and air conditioning units/heat pumps; and

**WHEREAS**, this has created an issue for homeowners that desire to upgrade their air conditioning units/heat pumps; and

**WHEREAS**, due to these created issues, the Master Plan Reexamination Report recommended updating the Township Code so that the standards for emergency generators would apply to other residential mechanical equipment such as air conditioner condenser pads.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 225, Article XXI, §225-116 of the Code of the Township of Harding be and is hereby amended as follows (deletions have strike through; additions are bolded and underlined):

**SECTION 1. §225-116 General Regulations.**

**A. – O.**        *No changes.*

**P.** Emergency generators, **air conditioning condensers and heat pumps**. Notwithstanding the provisions of § 225-116D(6), emergency generators, **air conditioning condensers and heat pumps** may be located outside the building envelope on lots in the RR, R-1, R-2, R-3, R-4 and B-2 Zoning Districts subject to the following:

- (1) These provisions only apply to emergency generators, **air conditioning condensers and heat pumps** having: a footprint, including the pad, not exceeding 20 square feet **per unit**; a height not exceeding four feet; **and for generators, a manufacturer’s noise level rating that does not exceed 70dB(A) at 23 feet (7 meters).**
- (2) The emergency generator, **air conditioning condenser or heat pump** shall not be located in front of the principal building on the lot.
- (3) No portion of the emergency generator, **air conditioning condenser or heat pump** and pad may be located more than 20 feet from the principal structure on the lot.

**HARDING TOWNSHIP  
ORDINANCE #11-2022  
AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF  
HARDING, SPECIFICALLY ARTICLE XXI, §225-116 ENTITLED "GENERAL  
REGULATIONS" TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR  
CONDITIONING CONDENSERS/HEAT PUMPS**

---

- (4) The emergency generator, **air conditioning condenser or heat pump** shall not be located within the required tree conservation area on a lot in the RR, R-1, R-2, R-3 or R-4 Zoning District as follows:
- (a) RR and R-1 Zones:
- [1] Minimum side and rear setbacks: 25 feet.
  - [2] Minimum front setback: 50 feet (but not in front of the principal structure).
- (b) R-2 Zone:
- [1] Minimum side setback: 10 feet.
  - [2] Minimum rear setback: 12.5% of the lot depth up to 25 feet.
  - [3] Minimum front setback: 25 feet (but not in front of the principal structure).
- (c) R-3 Zone:
- [1] Minimum side setback: five feet.
  - [2] Minimum rear setback: 12.5% of the lot depth up to 12.5 feet.
  - [3] Minimum front setback: 17.5 feet (but not in front of the principal structure).
- (d) R-4 Zone:
- [1] Minimum side setback: four feet.
  - [2] Minimum rear setback: 12.5% of the lot depth up to 12.5 feet.
  - [3] Minimum front setback: 12.5 feet (but not in front of the principal structure).
- (5) The emergency generator, **air conditioning condenser or heat pump** shall have minimum setbacks in the B-2 Zone of 25 feet from all lot lines (but not in front of the principal structure).
- (6) The emergency generator, **air conditioning condenser or heat pump** shall be appropriately screened/buffered by non-deciduous plantings (subject to seasonal planting timing limitations) and/or a fence so as to minimize visibility from all lot lines from which the setback is less than the minimum applicable to buildings and structures.
- (7) The maintenance exercise of any emergency generator shall only occur on Monday to Friday and between the hours of 10 a.m. and 4 p.m. and for a duration not to exceed twenty (20) minutes.**

Q. *No change.*

**HARDING TOWNSHIP  
ORDINANCE #11-2022  
AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF  
HARDING, SPECIFICALLY ARTICLE XXI, §225-116 ENTITLED "GENERAL  
REGULATIONS" TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR  
CONDITIONING CONDENSERS/HEAT PUMPS**

SECTION 2. 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 3. This Ordinance shall take effect upon final passage and publication according to law.

SECTION 4. 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.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal 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.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 5. All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 6. 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.

**ATTEST**

**TOWNSHIP OF HARDING**

\_\_\_\_\_  
Lisa A. Sharp, RMC  
Township Clerk

\_\_\_\_\_  
Timothy D. Jones,  
Mayor

**INTRODUCED:** August 8, 2022

**ADVERTISED:** August 11, 2022

**PUBLIC HEARING:** September 12, 2022

**ADOPTED:** September 12, 2022 **ADVERTISED:** September 15, 2022

**Vote on Adoption:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# **ORDINANCES – INTRODUCTION**

- 1. ORDINANCE #06-2022** - AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING ARTICLE XXI, CHAPTER 225, §225-111 OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED “TREE CONSERVATION”

**TOWNSHIP OF HARDING**  
**ORDINANCE #06-2022**  
**AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND**  
**REPLACING ARTICLE XXI, CHAPTER 225, §225-111 OF THE CODE OF THE**  
**TOWNSHIP OF HARDING ENTITLED "TREE CONSERVATION"**

**WHEREAS**, the implementation of the current version Chapter 225, §225-111 has resulted raised issues and resulted in unintended consequences that the Township Committee desires to eliminate; and

**WHEREAS**, the Township Committee has further determined that most appropriate way to address these concerns is by rescinding and replacing Chapter 225, §225-111 as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Harding in the County of Morris, New Jersey that Article XXI, Chapter 25, §225-111 of the Code of the Township of Harding is hereby rescinded and replaced as follows:

**Section 1. §225-111 Tree Conservation**

**A.** Purpose and intent. The purpose and intent of this article is as follows:

- (1) To preserve and protect trees that are an integral part of the ecosystem within the Township of Harding.
- (2) To control the indiscriminate destruction of trees which has been shown to have severe detrimental environmental, ecological and economic effects, including increased soil erosion and surface drainage problems, the creation of insect breeding sites, decreased oxygen production, decreased property values and increased costs to the Township.
- (3) To protect the semirural character and natural resources of the Township, consistent with the goals and objectives of the Township's Master Plan. This article is not intended, however, to restrict homeowners from removing dead, diseased, or hazardous trees, nor to restrict homeowners from conducting routine pruning of trees or other maintenance procedures.
- (4) This article places special emphasis on the preservation of trees around the perimeter of a property to create Conservation Areas and Tree Conservation Areas based upon setback requirements established within this chapter. The article also provides a sound management structure for the removal of trees in the Township.

**B.** Definitions. In addition to the definitions set forth in §225-5, the following definitions shall apply in this §225-111. To the extent that there are any inconsistencies, the definitions set forth below shall apply for purposes of enforcing this article.

**Diameter at Breast Height ("DBH")** shall mean the diameter of a tree measured 4'6" above the uphill/highest side above grade.

**Enforcement Officer** shall mean the Zoning Officer or Designee.

**Hazardous Tree** shall mean a tree that meets the following two criteria: (1) The tree, or a tree part, must be at an increased likelihood of failure, usually due to the presence of some structural defect e.g., the presence of a significant amount of decay in a portion of the tree, and (2) there must be one or more targets present. A target may be any person, property or roadway that could potentially be damaged, injured or impended, should a failure occur. If there are no targets present there is no risk and the tree will not be considered a hazard, even if it is structurally unsound and likely to fail at any time.

**Healthy Tree(s)** shall mean a tree(s) exhibiting good structural integrity, free of serious diseases, and maintaining the normal appearance and displaying the normal vigor and growth characteristics of the species as determined by the Township Zoning Officer after the inspection by the Township Tree Conservation Officer.

**Landmark Tree(s)** shall mean any tree(s) designated and identified by the Township Shade Tree Advisory Committee meeting the criteria for designation. This is a voluntary designation.

**Private Tree(s)** shall mean any tree(s) other than a Township Tree(s).

**Screening** shall mean one or more tree(s) or hedge(s) which provide a visual barrier between properties.

**Township Tree(s)** shall mean tree(s) located on Township property or within a Township right-of-way, as determined by the Township Zoning Officer.

**Tree** shall mean any self-supporting, single stem, perennial woody plant which reaches a typical height of 12 feet or more at maturity and has a typical mature DBH of six inches or greater.

**Tree Conservation Area** shall mean the creation of a tree conservation area. In accordance with the zoning provisions governing the R-1, RR, R-2, R-3 and R-4 Zones (see Part 3, Zoning), there shall be a tree conservation area required along all perimeter property lines of any lot within the R-1, RR, R-2, R-3 and R-4 Zones, within which no tree measuring six inches or greater in diameter at a point 4 1/2 feet above the ground shall be cut down or removed without first submitting a Tree Removal Registration for tree removal therefor and receiving a Tree Removal Permit from the Zoning Officer in accordance with the standards and procedures of this article. Any tree removal within a Tree Conservation Area is subject to a 1:1 replacement ratio. The width of the tree conservation area in each zone shall be as follows:

1. In the R-1 and RR Zones, the tree conservation area shall comprise the area along all perimeter property lines within:
  - a. Fifty feet of any road, whether public or private.
  - b. Twenty-five feet of all other property lines.

2. In the R-2, R-3 and R-4 Zones, the tree conservation area shall comprise the area along all perimeter property lines for a distance equal to 1/2 of the minimum required building setback (front, side and rear yards), but not less than four feet. See Part 3, Zoning, for specified distances for each zone.
3. The flag staff portion of a flag lot shall be subject to these restrictions.

**Tree Conservation Officer**

1. The Township Committee shall designate the Tree Conservation Officer.
2. The Tree Conservation shall provide advice to the Shade Tree Advisory Committee for plantings.
3. The Tree Conservation Officer shall provide advice to the Zoning Officer for tree removal.
4. The Township Committee may appoint and designate a Deputy Tree Conservation Officer to perform some or all of the duties of the Tree Conservation Officer when he or she is unavailable to perform the duties and responsibilities described above.

**Tree Removal Registration** shall mean the document that must be filed with the Township Zoning Officer on the official Township form before a property owner or tenant removes a tree with a DBH of six inches greater.

**Tree Removal Permit** shall mean that document issued by the Zoning Officer following submission of a Tree Removal Registration which constitutes the Zoning Officer's approval and written permission to remove the tree(s) that is/are the subject of the Tree Removal Registration.

**Unhealthy Tree** shall mean a tree that is in poor condition or represents a hazard with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and/or its status as a host for plant pest or disease, endangering the tree itself, or other trees or plants, with infection or infestation, that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices.

**Zoning Officer**

1. With the advice of the Tree Conservation Officer, shall administer and enforce the provisions of Chapter 225, Land Use and Development, Article XXI, §225-111, Tree Conservation, and §225-116 M, Tree conservation.
2. Provide periodic reports to the Township Administrator with respect to permits issued and other actions to be taken to enforce the provisions of the aforementioned Code provisions.

3. Make recommendations with respect to the administration and enforcement of the aforementioned Code provisions to the Township Administrator.

**C. Responsible officials; enforcement.**

Enforcement Officer. The Zoning Officer, or designee, is hereby authorized to enforce the regulations set forth within this article. The Police Department is authorized to enforce the regulations during non-business hours.

**D. Prohibition and requirements with respect to Township Trees.**

- (1) It shall be unlawful to commit any of the following acts with respect to Township Trees(s) within parks, public property or within Township rights-of-way without first obtaining a Tree Removal Permit from the Zoning Officer.
  - a. Cut, prune, break, injure, alter or remove any tree; or cut, unduly disturb or interfere in any way with any root of a tree or trees.
  - b. Spray any tree with a chemical.
  - c. Fasten any rope, wire, sign, or other device to a tree or trees or to any guard about such a tree or trees.
  - d. Install, remove or injure any guard or device placed to protect any trees.
  - e. Obstruct access of air, water, or fertilizer to the roots of such tree or trees.
  - f. String any wires or lines through a public park.
  - g. Remove any tree without first obtaining written permission from the Zoning Officer pursuant to §225-111 E herein.
- (2) The Zoning Officer shall issue the Tree Removal Permit if the activity for which such permission is requested is in the public interest and, except in the case of removal, is not likely to materially injure any Township Tree. The Zoning Officer shall render his or her decision within 30 days after submission of a tree removal registration for tree removal. Failure of the Zoning Officer to render a decision within such 30-day period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.
- (3) Any person or persons who cause damage to any tree(s) by machines, autos, etc. shall be held liable for damages to the tree or trees. Damages shall be corrected or repaired by the liable person or persons billed for the damages and shall be liable for the penalties set forth in §1-3 of this Code.

**E. Removal of Township Tree(s).**

- (1) Any Township Tree(s) determined to be unhealthy, hazardous or dead by the Zoning Officer may be removed by the Township at the Township's expense. The Township may, in its sole discretion, replace any tree that it removes.
- (2) Any debris from Township Tree(s) falling within or onto any Township right-of-way, shall be removed by the Township at the Township's expense.
- (3) A property owner/tenant may not remove a Township Tree(s) unless he or she first files a tree removal registration and obtains a Tree Removal Permit from the Zoning Officer. Permission to remove healthy Township Tree(s) located in the Township right-of-way immediately adjacent to the property owner/tenant's property may be granted by the Zoning Officer, in his sole discretion, if the following conditions are met:
  - a. The cost of the removal is borne solely by the property owner/tenant.
  - b. The property owner/tenant, at his or her sole expense, shall plant a replacement tree in accordance with §225-111 N below.

**F. Landmark Tree(s).**

- (1) The Shade Tree Advisory Committee or its Chair upon request from the Zoning Officer, after consulting with the Tree Conservation Officer, shall determine whether any tree qualifies as a "Landmark Tree." A tree may qualify as a Landmark Tree if it meets one (1) or more of the following criteria:
  - a. The tree species is rare.
  - b. The tree is more than one hundred (100) years of age.
  - c. The tree is of an abnormal height or has an abnormal trunk diameter or dripline diameter for a tree of its species.
  - d. The quality of the tree foliage is abnormal for a tree of its species.
  - e. The location, shade value, fragrance, erosion control, aesthetic, features or scenic enhancement of such tree is of especial importance to the Township.
  - f. If the property owner(s) of the property on which a Landmark Tree is located consent(s) thereto, the Township may identify such tree as a Landmark Tree by the placement of a suitable marker thereon.
- (2) If and when, any Landmark Tree(s) is/are removed, the Shade Tree Advisory Committee shall arrange for the necessary changes to be made to the official

Landmark Tree inventory records and Township Map.

**G.** Protection of trees on private property and Tree Conservation Area(s).

- (1) Any person wishing to remove one or more trees with a DBH of greater than 6", on private property, including any Tree Conservation Area, shall file a Tree Removal Registration with the Township Zoning Officer in accordance with paragraph I below, which shall include a description of the tree(s) to be removed, their species, their size, their size, their health and their location on the property.
- (2) The failure to file the Tree Removal Registration and obtain a Tree Removal Permit before removing the any tree in accordance with subparagraph G (1) above shall subject the property owner and/or tenant to the penalties set forth in §225-111 P below.
- (3) During any type of construction on the property, trees in the area are to be fenced at the drip line to protect roots during construction.
- (4) Any tree removal with a Tree Conservation Area is subject to a 1:1 replacement ratio.

**H.** Exemptions from permit requirement and penalties.

The following lands, activities and uses shall be exempt from the terms and conditions of this section and shall also be exempt from any violations or penalties:

- (1) Activities lawfully conducted on public lands or rights-of-way by or on behalf of a local, federal, state, county or other governmental agency or entity or utility company, including the Township of Harding and Harding Township Board of Education.
- (2) The harvesting of trees in compliance with a woodland management plan that has been approved by NJDEP pursuant to N.J.S.A. 54:4-23.3 and N.J.A.C. 18:15-2.7 as part of an approved farmland assessment and that is on file with the Township Tax Assessor.
- (3) Any activity protected by the Right to Farm Act, N.J.S.A. 4:1 C-9 et seq. or any other State statute or regulation in an area in which local regulation has been preempted.
- (4) Trees removed in accordance with approved driveway permit or site plan, or subdivision plan approved by the Township Planning Board or Zoning Board of Adjustment.
- (5) Trees required to be cut down or removed in connection with the installation or maintenance of public utility lines or facilities, approved private waste disposal

systems or private wells provided such installation has been approved by the Harding Township Board of Health and/or Township Engineer, as appropriate.

- (6) Trees removed by a commercial nursery or orchard on its own property in the normal course of business.
- (7) The emergency removal of trees that are diseased, severely damaged as certified by a New Jersey Tree Expert or New Jersey Tree Care Operation, or that pose an immediate hazard to person or property provided that a tree removal registration is filed with the Zoning Officer within five (5) business days of the actual tree removal.
- (8) The removal, by the owner or tenant of lands lying within the Township of Harding, of dead, dying or structurally unsound trees or tree conditions which are likely to endanger the lives and/or property of persons using public streets or property of the Township of Harding, within thirty (30) days after receipt of written notice from the Zoning Officer to remove same.

I. Permit procedures and appeal process. Whenever a Tree Removal Permit is required in connection with tree removal pursuant to this article, said permit shall be obtained from the Zoning Officer in accordance with the procedures set forth below and the requirements and standards of this article. Any person aggrieved by a decision of the Zoning Officer may appeal his decision to or may request a variance from the Board of Adjustment pursuant to N.J.S.A. 40:55D-70a or 70c, respectively, except in the case of a variance request in conjunction with a subdivision or site plan under the jurisdiction of the Planning Board, whereupon the Planning Board shall hear and decide said variance request pursuant to N.J.S.A. 40:55D-60.

- (1) Any person desiring to cut down or remove any tree or trees which are subject to the provisions of this article shall file a Tree Removal Registration therefor with the Zoning Officer on a form to be provided for said purpose and shall pay the removal registration fee and escrow (if required) set forth in Chapter 171, Fees, except that there shall be no application fee for a Tree Removal Registration for developed land. Said Tree Removal Registration shall identify the lot or tract of land upon which the tree or trees are located, disclose the name and address of the owner, tenant or duly authorized agent of said owner or tenant and set forth with sufficient specificity for purposes of identification the location of the tree or trees sought to be cut down or removed and the reasons for the request.
- (2) The filing of a Tree Removal Registration shall constitute the applicant's consent to the Zoning Officer, his designee or the Township Engineer for entry upon the land for purposes of inspection. The Zoning Officer, his designee or, at his request, the Township Engineer, shall inspect the site as to the tree or trees sought to be cut down or removed, the drainage and other physical conditions existing on the property and adjoining properties.

- (3) The Zoning Officer may, in his discretion, forward the Tree Removal Registration to the Township Engineer for his review and recommendations in accordance with the standards of this article.
- (4) Except as otherwise provided in Section I(5) below, within 15 days of the filing of the Tree Removal Registration, the Zoning Officer shall endorse his decision upon the Tree Removal Registration and, in the case of partial or complete disapproval, shall set forth the basis for such decision. Any Tree Removal Registration approved, in whole or in part, shall automatically become a Tree Removal Permit in accordance with the terms of said endorsement. Any Tree Removal Permit not acted upon within one year from the date of such approval shall automatically expire.
- (5) Upon the filing of any Tree Removal Registration for the cutting or removal of trees located on any lot or tract for which a removal registration for subdivision or site plan review is required to be submitted to the Planning Board or Board of Adjustment, the applicant shall furnish the Zoning Officer with a copy of the subdivision plat or site plan therefore, and the Zoning Officer may withhold his endorsement pending receipt of written notice of the Board's action with respect to such subdivision or site plan application. Within five days of the receipt of notice of the Board's decision on said subdivision or site plan, the Zoning Officer shall act upon the application as provided above. The permit shall only be issued in accordance with the approved subdivision or site plan.

**J.** Standards for permit issuance. To the greatest extent practicable, large trees, tree rows and hedgerows should be preserved. In addition, the following factors shall be taken into consideration in determining whether to issue a Tree Removal Permit for tree cutting or removal:

- (1) Whether the area where such tree or trees are located will be occupied by a building or structure, a driveway or recreation area, a roadway, an equestrian (bridle) trail, a drainage right-of-way, sewer line, septic system or well, or whether it is reasonably necessary to regrade the area in relation to any of the foregoing, and further provided that such regraded areas shall be restored and landscaped with suitable ground cover, shrubbery and/or trees after construction.
- (2) Whether the area where such tree or trees are to be cut down or removed is consistent with the approval of any required subdivision or site plan by the Planning Board or Board of Adjustment and any conditions pertaining thereto.
- (3) Whether the cutting or removal would change existing drainage patterns.
- (4) Whether the cutting or removal would allow soil erosion or increase dust.
- (5) Whether the cutting or removal would constitute a significant change in the screening between existing or proposed buildings on adjoining lots.

- (6) Whether the cutting or removal would constitute a horticulturally advantageous thinning of an existing overgrown area, taking into consideration the tree species, size and health of the trees to be removed.
- (7) Whether the cutting or removal would impair the growth and development of the remaining trees on the applicant's property or adjacent property.
- (8) Whether the area where such tree or trees are located has a depression or fill of land which is deemed injurious to such tree or trees, or other trees located nearby.
- (9) Whether the presence of such tree or trees is likely to cause hardship or will endanger the public or the owner of the property on which the tree or trees are located or an adjoining property owner or for some other adequate reason within the intent of this article.
- (10) Any planned tree replacement or other landscape plan for revegetating cleared areas.

**K. Display of permit by applicant and contractor, right of entry.**

- (1) The applicant shall prominently display on the site the Tree Removal Permit issued such that the permit is easily visible to the general public. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for 10 days thereafter.
- (2) As a condition for the issuance of the Tree Removal Permit, the applicant shall agree in writing to the entry onto his/her premises by the Zoning Officer, his designee, or at his request, the Township Engineer, as necessary to effectuate the provisions of this article, and such entries shall be deemed lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this chapter and shall constitute failure to display the permit as required herein.
- (3) To the extent that an applicant utilizes the services of any third-party to remove the trees from the affected premises,

**L. Applicability to tree removal companies/contractors; permit required. All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal companies, construction companies or persons, companies or contractors in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a permit is required pursuant to this chapter unless a valid permit therefor is in effect, is displayed in accordance with the provisions set forth in paragraph K above and the person, contractor or individual doing the work on behalf of company has a copy of the permit on their person at all times during which the removal work is being performed. Such removal or work that is not performed in accordance with the requirements of this section, shall**

constitute a violation of this article and shall subject the person or company violating this section to all penalties provided herein.

**M. Non-liability of township.**

- (1) Nothing in this article shall be deemed to impose any liability upon the Township or its officials, officers or employees or agents or upon the Shade Tree Advisory Committee or any of its members.
- (2) Nothing in this article shall be deemed to relieve the owner and/or occupant of any private property from the duty to keep trees and shrubs thereon in a safe condition.

**N. Tree replacement for Township Trees removed pursuant to §225-111 E.**

The Zoning Officer, or designee, shall require that any Township Tree(s) removed pursuant to this article, be replaced under the following guidelines:

- a. Trees should be replaced on a 1:1 basis.
- b. Deciduous replacement trees should be a minimum of 2 - 2.5" caliper, balled and burlapped and suitable for Zone 6 and guaranteed for two years.
- c. Evergreen replacement trees should also be balled and burlapped and of a minimum size of 7' -8' in height and suitable for Zone 6 and guaranteed for two years.
- d. When appropriate, the Zoning Officer, or designee, may permit the planting of hedges or other screening as an alternative to replacement tree(s) if same would provide a more suitable visual barrier and/or better serve the purpose of this section.
- e. The preferred tree replacement locations should be on the actual tree removal site, however in lieu of providing a replacement tree on site, an applicant may request that the Zoning Officer allow the applicant to contribute \$400 per tree to the Township Tree Trust Fund as established by §225-111 O herein.

**O. Township tree trust fund.**

- (1) Tree Trust Fund. All contributions to the township tree trust fund pursuant to §225-111 N (e) above shall be deposited in a separate interest-bearing tree trust fund. All interest accrued in the tree trust fund shall only be used on eligible tree replacement and maintenance activities.
- (2) Use of the Money. The township may use revenues and interest collected from the tree trust fund for any purpose which promotes the planting and maintenance of trees in the Township. Such activities include, but are not limited to, planting trees

in township rights-of-way, township parks and on other public lands.

- (3) Expenditure of funds from the tree trust fund shall be approved by resolution of the governing body.
- (4) Failure of owner to plant required trees within twenty-four (24) months of the deposit being made with subject the deposit to be forfeited to the Township. The Township will use forfeited funds solely for planting requested by Shade Tree Commission within the Township.

**P. Violations and Penalties.**

Any person/entity violating or causing to be violated any of the provisions this article shall be subject to the penalties set forth in Article I, §1-3 of the Township Code. Any person removing or destroying any Township Tree(s) in violation of this article shall replace each tree destroyed or removed with another tree of the same species or a species approved by the Zoning Officer, at least two inches in diameter measured at a point four feet above the ground. Each tree destroyed or removed in violation of this article shall be considered a separate offense. Failure to file a Tree Removal Registration prior to removal or destruction of a tree on private property as required by § 225-111 G shall be a violation of this article in the event the tree that is removed is determined to be in the tree conservation area. Notwithstanding the provisions of Article I, §1-3 B of the Township Code, the minimum fine for a violation of this article shall be \$1000. Each day said violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 2.** 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 3.** This Ordinance shall take effect upon final passage and publication according to law.

**Section 4.** 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.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal 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.A. 40:55D-16 and with the Township Tax Assessor.

**Section 5.** All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

**Section 6.** 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.

**ATTEST**

**TOWNSHIP OF HARDING**

\_\_\_\_\_  
Lisa A. Sharp, RMC  
Township Clerk

By: \_\_\_\_\_  
Timothy D. Jones  
Mayor

**INTRODUCED:**      September 12, 2022

**ADVERTISED:**      September 14, 2022

**Vote on Introduction:**

<b>MOTION</b>	<b>FOR APPROVAL</b>	<b>AGAINST APPROVAL</b>	<b>ABSTAIN</b>
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>