

ORDINANCE NO. 2012 -10

**ORDINANCE OF THE COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 55 OF THE
BARNEGAT TOWNSHIP CODE ENTITLED "LAND USE"**

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Barnegat Township, Ocean County, and State of New Jersey, as follows:

SECTION 1. TITLE, FINDINGS AND PURPOSE

- A.** Title. The following shall be known as the Wellhead Protection Overlay District Ordinance.
- B.** Findings. The following findings establish the basis for this Ordinance.
1. Protection of water resources is an objective of the New Jersey Development and Redevelopment.
 2. Protection of water resource use is an objective of the New Jersey Source Water Assessment Plan, developed pursuant to the Federal Safe Drinking Water act.
 3. The source of all drinking water in Barnegat Township is ground water.
 4. Ground water is vulnerable to contamination from the use and handling of certain hazardous and/or regulated substances on land, and once contaminated, ground water in general, is difficult and expensive to clean. If ground water becomes very contaminated, it may be necessary to locate alternate sources of drinking water.
 5. In the interest of safeguarding the drinking water sources within Barnegat Township, it is prudent to prevent contamination of the ground water by regulating or prohibiting the use and handling of certain hazardous and/or regulated substances within the Wellhead Protection Overlay District (WPOD").
 6. This Ordinance is prepared in accordance with the Initial Plan Endorsement received from the New Jersey State Planning Commission on December 7, 2011.

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

7. This Ordinance is consistent with the 2011 Barnegat Township Master Plan.
- C. Purpose. The purpose and intent of the Wellhead Protection Overlay District is to protect the water supplies of Barnegat Township from contamination and to encourage coordinated protection efforts of neighboring municipalities by regulating the storage, handling, use and/or production of hazardous or regulated substances within Wellhead Protection Areas of existing and proposed municipal community wells.

SECTION 2. DEFINITIONS

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

HAZARDOUS SUBSTANCES

Any gaseous, liquid or solid materials or substances designated as hazardous by the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection, including all elements, compounds and petroleum products as set forth within *N.J.S.A. 58:10-23b*, as amended, shall be considered hazardous substances for the purpose of this Ordinance. Sewage and sewage sludge shall be considered hazardous substances for the purposes of this section.

HAZARDOUS WASTE

Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, *N.J.S.A. 13-1E et.seq.*, *N.J.A.C. 7:26-8* or *40 CFR Part 261*, but specifically excluding petroleum products.

REGULATED SUBSTANCES

Any substance regulated under federal, state, or county environmental pollution control, hazardous substance or drinking water laws or regulations. For the purpose of this Ordinance, regulated substances shall be considered as those deleterious substances, contaminants and pollutants that cause significant harm to human health and the environment or resulting in the degradation of the ambient ground water quality, and shall include those specific substances, chemicals or compounds listed in the following state and federal regulations:

40 CFR Subchapter J, Part 302 – Designation, Reportable Quantities and Notification

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

40 CFR Subchapter J, Part 372 – Toxic Chemical Release Reporting;
Community Right-To-Know

40 CFR Subchapter D, Part 117.3 – Determination of Reportable
Quantities for Hazardous Substances

40 CFR Subchapter D, Part 129 – Toxic Pollutant Effluent Standards

49 CFR, Part 172.101 – Hazardous Materials Communications
Requirements and Emergency Response Information Requirements

40 CFR, Part 355 Appendix A – Emergency Planning and Notification,
List of Extremely Hazardous Substances and Their Threshold Planning
Quantities

FAC Rule 5E-2 Pesticides

Additionally, regulated substances and regulated activities shall include those, which are directly specified or exhibit the characteristics specified in the following:

40 CFR, Subchapter D, Part 121 – National Pollution Discharge
Elimination System

40 CFR, Subchapter I, Part 261 – Identification and Listing of
Hazardous Waste

TIER 1

The area, described in plan view around a well, from which groundwater is reasonably likely to flow to the well within two years. It extends from the well to the boundary established to represent the two-year time of travel.

TIER 2

The area, described in plan view around a well, from which groundwater is reasonably likely to flow to the well within five years. It extends from the perimeter of Tier 1 to the boundary representing the five-year time of travel.

TIER 3

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

The area, described in plan view around a well, from which groundwater is reasonably likely to flow to the well within twelve years. It extends from the perimeter of Tier 2 to the outer boundary representing the twelve-year time of travel.

WELLHEAD PROTECTION AREA

The area within the corporate boundaries of the Township of Barnegat and described in the area around the well, from which ground water is reasonably likely to flow and through which ground water pollution, if it were to occur, is reasonably likely to pose a significant threat to the water quality of the well. The Wellhead Protection Areas consist of three tiers, corresponding to areas, on average, from which ground water flows to a well in two (2) years (Tier 1), five (5) years (Tier 2), and twelve (12) years (Tier 3). These areas are delineated by the New Jersey Geological Survey, New Jersey Department of Environmental Protection.

APPROVING AUTHORITY

The Barnegat Township Planning Board or Zoning Board.

SECTION 3. APPLICABILITY

- A.** The WPOD is compromised of the delineated Wellhead Protection Areas shown on the map entitled "Wellhead Protection Areas Map" included in Appendix A of this Section of the Ordinance and any Wellhead Protection Areas subsequently established by the State of New Jersey that are not yet depicted on the Map.
- B.** This Section applies to all land use activities that handle, store, use or produce hazardous or regulated substances located or proposed within Wellhead Protection Areas.
- C.** It shall be the responsibility of any persons owning real property and/or owning or operating a business within the Township of Barnegat to make a determination of the applicability of the Wellhead Protection Area Delineation as it pertains to the property and/or business under their ownership or operation, and any failure to do so shall not excuse any violations of this Section.
- D.** When the boundaries of any tier within the Wellhead Protection Area Delineation divides any property, respective portion(s) of the property shall be considered to lie within the corresponding Tier or Tiers defined in the Wellhead Protection Area Delineation.

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

SECTION 4. PERMITTED USES

The permitted uses within the Wellhead Protection Overlay District (WPOD) shall be those of the underlying zoning district, except as otherwise regulated by this chapter.

SECTION 5. REGULATED LAND USES

- A.** As of the date of adoption of this Ordinance, all land use activities within the WOPD shall be considered regulated land uses if hazardous substances or regulated substances as defined in Section 2 are used, handled or stored in conjunction with the business operation, even if they are permitted uses in the underlying zoning district.

The hazardous substances and regulated substances as defined in Section 2 represent the state of present knowledge. As other polluting materials are discovered, it is the intention of this Ordinance to add them to the list of prohibited hazardous and regulated substances and to regulate the properties within which they are present in accordance with the requirements of this Ordinance. No regulated use shall be permitted in the WPOD without first complying with Section 6 of this chapter.

SECTION 6. APPLICATIONS PROCEDURES AND REQUIREMENTS

- A.** Applications. Applications for the approval of any new, altered, or expanded regulated use in accordance with this chapter shall be made to the Planning or Zoning Board in keeping with their current operating procedures.
- B.** Standards for Consideration.
1. The applicant must demonstrate to the approving authority (Board) that the use will not, during or after construction, cause degradation of the groundwater quality upon or beneath the property in question, or upon or beneath adjacent properties, with respect to any regulated substance.
 2. Satisfactory evidence must be provided to the approving authority (Board) that the proposed regulated use is in compliance with federal, state and county laws and regulations applicable to such regulated use and the owner or operator has received all necessary approvals of federal, state and county government approving authorities.
- C.** Content of Application. A detailed description of each of the activities to be conducted upon the property in question which constitutes a

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

regulated use, including a listing of all regulated substances which are to be stored, handled, used or produced in connection with each regulated use being proposed, altered or expanded.

- D.** Referrals. All applications for regulated use approval in the WPOD shall be referred immediately to the Barnegat Township Environmental Commission (BTEC) and the Barnegat Water and Sewer Utility (BWSU) for their respective review and comment. Failure of the BTEC or the BWSU to provide a written recommendation within forty-five (45) days, provided the BTEC and BWSU received a copy of the application at least ten (10) days in advance of a regularly scheduled meeting, shall be deemed a recommendation by the body for approval. In the event that the BTEC or BWSU recommends denial of the application or requests additional information with respect to the application, they shall specify in writing the reason(s) for their actions. The approving authority (Board) shall review and consider the recommendations of the BTEC and BWSU, and those recommendations shall be made part of the official public record of the approving authority (Board). A negative recommendation by the BWSU shall be construed as an adverse impact to the public community water supply and may be grounds for denial.
- E.** Decisions. The approving authority (Board) shall consider the facts of the application, the recommendations of the BTEC and BWSU, and the proceedings of the public hearing, and shall issue a decision of approval or denial. The Planning or Zoning Board decision may include any or all of the following conditions:
1. The installation of adequate containment facilities and systems so as to prevent groundwater contamination by regulated substances;
 2. The preparation, filing and periodic revision of any emergency plan addressing measures to control, collect and remediate any potential contamination of groundwater, including emergency contacts and identification of potential contaminants;
 3. Regular inspection and/or monitoring of the regulated use, including a written report of findings to the Water/Sewer Engineer and Water/Sewer Utility Manager, which shall be the responsibility of the applicant. The frequency of the inspection and/or monitoring will be decided by the approving authority (Board considering the recommendations of the utility manager).

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

SECTION 7. EXISTING REGULATED USES

- A.** Uses of land in existence on the date of adoption of this Ordinance that utilize hazardous or regulated substances shall be deemed

existing regulated uses of land under this Ordinance. Such existing regulated use may be continued by the present or subsequent owners so long as:

1. Such use is and remains otherwise lawful in compliance with federal, state and county environmental, pollution control, hazardous substance and drinking water laws and regulations.
2. Such regulated use does not, after the date of the adoption of this Ordinance, pose a direct or indirect threat of pollution to the public water supply; and
3. The record owner of the lot or tract of land on which such regulated use is located shall maintain copies of the following and shall upon request by designated official of the Township provide copies to said official via submission to the Municipal Clerk within 24 hours:

- Copies of all federal, state and county operational approvals, certificates, permits and applications, on-going environmental reports and monitoring results, relating to environmental, pollution control, hazardous substance and drinking water laws and regulations pertaining to such a lot, as and when to be submitted by federal, state and county authorities;
- Copies of any and all notices, reports and documents which the owner files or must file with federal, state and county government in the event of any release of or contamination by regulated substance in association with any such lot; and
- Copies of all notices, orders, rulings, decisions, recommendations, enforcement actions, and similar documentation so as and when received by or on behalf of the owner or operator of any such lot, from any federal, state and county government authorities in connection with the enforcement of environmental, pollution control, hazardous substance and drinking water laws and regulations.

B. A regulated use, either existing or previously approved by the Planning or Zoning Board, shall be deemed to be a new or materially altered, changed or expanded use if:

1. The hazardous or regulated substance(s) were not previously present and conducted upon the lot or tract of land in question.

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

2. The production, quantity and/or storage capacity of the hazardous and regulated substances is increased without the approval of the Planning or Zoning Board.

- C.** Existing Residential Uses: Existing residential uses or properties within the WPOD that are served by oil tanks or have been served by oil tanks and there is no record of their removal in the Tax Assessor or Construction Office records, are existing and regulated uses as defined in this chapter.

SECTION 8. SPECIAL EXCEPTIONS AND LIMITED EXCLUSIONS

Limited exclusions from the provisions of the Regulated, Application Procedures and Requirements and Existing Regulated Uses may be authorized for:

- a. Non-routine Maintenance or Repair of Property or Equipment; The use and storage, handling, and/or production of regulated substances under the exclusion shall be limited to:
 1. The aggregate of the Regulated Substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
 2. The total use, storage, handling and/or production of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve month period.
- b. Medical and Research Laboratory Uses: Excluded Regulated Substances shall be stored, handled, or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred fifty (250) gallons or two thousand (2,000) pounds.
- c. Cleaning Agents: Excluded Regulated Substances that are cleaning agents shall be packaged for personal or household use or be present in the same form and concentration as a product packaged for use by the general public. The aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
- d. Construction Materials: Regulated Substances associated with construction for which a permit has been issued, paving or the

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

pouring of concrete shall be excluded from regulation while present on the construction site provided such regulated substances do not pose a real or present danger of contaminating surface or groundwater.

- e. Retail Sales: Establishments that store and handle hazardous or regulated substances for resale in their original unopened containers.
- f. Residential Activities: the use, storage and handling of hazardous, or regulated substances that are packaged, distributed or stored in quantities generally associated with residential use.

SECTION 9. "PROHIBITED USES"

- a. Gasoline, automobile or motorized vehicle service stations, repair garages and shops.
- b. Automobile or motorized vehicle body shops.
- c. Heavy manufacturing uses.
- d. Land Application or wastewater and sludge.
- e. New and used automobile and motor vehicle sales and service.
- f. Quarries and mining operations.
- g. Underground petroleum or chemical storage.
- h. Storage of any hazardous or regulated material.
- i. Collection and transfer facilities or parking or storage of vehicles used for hazardous materials, solid wastes that contain hazardous materials or radioactive materials.
- j. Contractor's storage yards.
- k. Dry cleaners.
- l. Outdoor road salt stockpiles.
- m. Subsurface sewage disposal systems.

All other uses are regulated uses in accordance with Section 5 of this chapter or exempt uses in accordance with Section 9 of this chapter.

SECTION 10. AREA AND BULK REGULATIONS

The area and bulk regulations within the Wellhead Protection Overlay District shall be those of the underlying zoning district.

SECTION 11. SITE PLAN SUBMISSION

In addition to the consideration of the use requirements and/or restrictions described above, the Planning Board may require the applicant to submit additional information related to the ground water

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

quality and protection as part of the site plan development and submitted for the parcel, for example, the nature of regulated materials to be used, expectations for storage of construction materials/debris; hydro-geologic information, storm water management, etc.

SECTION 12. DEVIATIONS

Applications may include deviations from the provisions of this chapter or for uses that are listed as "prohibited". In any such deviation application, the applicant must demonstrate why the requested relief should be granted and that the deviation will not cause an adverse impact on the surrounding neighborhood, and will not unduly affect the health, safety and welfare of the people of Barnegat Township.

SECTION 13. SEVERABILITY

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.

SECTION 14. REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 15. EFFECTIVE DATE:

This ordinance shall take effect after second reading and publication as required by law.

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

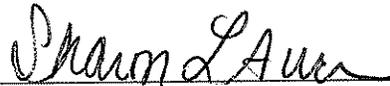
COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of

Barnegat, County of Ocean, State of New Jersey on **March 19, 2012**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on May 7, **2012, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.



SHARON AUER, Acting Township Clerk

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731

JJD:faw[Barnegat Ordinances 2012 GL#20052]

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

Township of Barnegat

COUNTY OF OCEAN



900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

May 8, 2012

CERTIFICATION

I, Sharon L. Auer, Acting Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely, Ordinance #2012-10 entitled An Ordinance Amending Chapter 55, Land Use of the Code of the Township of Barnegat, this Ordinance is for the Wellhead Protection Overlay District for the protection of water resources was introduced and passed on the 19th day of March, 2012 and finally adopted after Public Hearing at their regular meeting held on the 7th day of May, 2012 in the Municipal Court Room, 900 West Bay Avenue, Barnegat, NJ and will take effect 20 days after publication in the Township newspaper.



Sharon L. Auer, Acting Municipal Clerk

Township of Barnegat

COUNTY OF OCEAN



900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO:

Ocean County Planning Board
NJ Pinelands Commission
Ocean Township
Lacey Township
Stafford Township

Woodland Township
Long Beach Township
Harvey Cedars Borough
Barnegat Twp Planning Board

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: March 21, 2012

SUBJECT: Development Regulation Notice

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat will conduct a public hearing of **Ordinance No. 2012-10** at a regular meeting of said Committee on **May 7, 2012 at 6:30pm**, or soon thereafter, at which time and place any person wishing to speak on the subject will be given the opportunity to be so heard.

A copy of the proposed ordinance is enclosed herewith for your perusal.

Enclosure

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

Thursday, March 22, 2012

CALL CLASSIFIED TOLL FREE 1-(877) 735-SELL (7355)

THE BEACON

TOWNSHIP OF BARNEGAT

NOTICE IS HEREBY GIVEN that Ordinance 2012-10 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. Wellhead Protection Overlay District Ordinance, for the protection of water resources.

NOTICE IS HEREBY GIVEN that Ordinance 2012-11 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will revise requirements for Political Signs.

NOTICE IS HEREBY GIVEN that Ordinance 2012-12 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will change the designation of certain lots in the Ocean Acres Section 3 (\$29.64)

508506

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO: Barnegat Township Planning Board
Ocean County Planning Board
NJ Pinelands Commission
Stafford Township
Ocean Township
Lacey Township
Woodland Township
Borough of Harvey Cedars
Long Beach Township

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: May 8, 2012

SUBJECT: Development Regulation Adoption Notice(s)

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat has finally adopted the following ordinances, after public hearing, namely Ordinance No. 2012-05, 06, 07, 08, 09, 10, 11 & 12 at a regular meeting of said Committee on May 7, 2012 at the hour of 6:30 PM at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey 08005

A copy of each adopted development regulation is enclosed herewith.

Kindly return the bottom portion of this memo upon receipt:

MEMO TO: Barnegat Township Clerk's Office
900 West Bay Avenue
Barnegat, NJ 08005

FROM: _____

TOWN: _____

WE ARE IN RECEIPT OF ORDINANCE NO. 2012-05, 06, 07, 08, 09, 10, 11 & 12

DATE RECEIVED: _____

Enclosure

9646 2442 8342 9436
7009 2620 0003 0000 0292 6007

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	\$
Return Receipt Fee (Endorsement Required)	\$
Restricted Delivery Fee (Endorsement Required)	\$
Total Postage & Fees	\$

Postmark Here *Adopt.*
2012-05, 06,
07, 08, 09, 10,
11+12

St
or
City
Ocean County Planning Board
129 Hooper Avenue, 1st Floor
Toms River, NJ 08754-2191

PS Form 3800, August 2006 See Reverse for Instructions

9646 2442 8342 9429
7009 2620 0003 0000 0292 6007

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	\$
Return Receipt Fee (Endorsement Required)	\$
Restricted Delivery Fee (Endorsement Required)	\$
Total Postage & Fees	\$

Postmark Here *Adoption*
2012-05, 06,
07, 08, 09, 10,
11+12

St
or
City
The Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

PS Form 3800, August 2006 See Reverse for Instructions

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO: Barnegat Township Planning Board
Ocean County Planning Board
NJ Pinelands Commission
Stafford Township
Ocean Township
Lacey Township
Woodland Township
Borough of Harvey Cedars
Long Beach Township

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: May 8, 2012

SUBJECT: Development Regulation Adoption Notice(s)

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat has finally adopted the following ordinances, after public hearing, namely Ordinance No. 2012-05, 06, 07, 08, 09, 10, 11 & 12 at a regular meeting of said Committee on May 7, 2012 at the hour of 6:30 PM at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey 08005

A copy of each adopted development regulation is enclosed herewith.

Kindly return the bottom portion of this memo upon receipt:

MEMO TO: Barnegat Township Clerk's Office 900 West Bay Avenue Barnegat, NJ 08005	RECEIVED MAY - 8 2012 BARNEGAT TOWNSHIP PLANNING & ZONING
FROM: <u>Barnegat Twp Planning Board</u> TOWN: <u>Barnegat</u>	
WE ARE IN RECEIPT OF ORDINANCE NO. 2012-05, 06, 07, 08, 09, 10, 11 & 12 DATE RECEIVED: <u>5/8/12</u>	

Enclosure

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X COUNTY OF OCEAN P.O. Box 2191 Toms River, NJ 08754-2191</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>Ocean County Planning Board 129 Hooper Avenue, 1st Floor Toms River, NJ 08754-2191</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article # (Transferee) 7009 2820 0003 8342 9436</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>x <i>[Signature]</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>Donald [Signature]</p>
<p>1. Article Addressed to:</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>The Pinelands Commission P.O. Box 359 New Lisbon, NJ 08064</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article # (Transferee) 7009 2820 0003 8342 9429</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

Township of Barnegat

COUNTY OF OCEAN



900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

Thursday, May 10, 2012

CALL CLASSIFIED TOLL FREE 1-(877) 735-SELL (7355)

THE BEACON

TOWNSHIP OF BARNEGAT

NOTICE IS HEREBY GIVEN that Ordinance 2012-5 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will create a new Town Center area along Route 9 from the intersection of Route 9 and Barnegat Boulevard North to just before the intersection of Route 9 and Gunning River Road.

NOTICE IS HEREBY GIVEN that Ordinance 2012-6 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will create a new Commercial Core Planned Highway Development Commercial (CC-CPHD) Overlay Zone along the Route 9 Corridor.

NOTICE IS HEREBY GIVEN that Ordinance 2012-7 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance amends Section 55-31, Schedule of Area, Yard and Building Requirements and Schedule A to include the bulk, yard and other requirements for the TC-CPHD, TC-CN, TC-CV and CC-CPHD Overlay Zones.

NOTICE IS HEREBY GIVEN that Ordinance 2012-8 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will amend Chapter 55 in accordance with the Township of Barnegat's Initial Plan Endorsement amending Section 55-7 Zoning Map to reflect changes that have occurred since the adoption of the last Zoning Map, dated May 10, 2005.

NOTICE IS HEREBY GIVEN that Ordinance 2012-9 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will establish parking standards for the uses permitted within the TC-CPHD, TC-CN, TC-CV and CC-CPHD

NOTICE IS HEREBY GIVEN that Ordinance 2012-10 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. Wellhead Protection Overlay District Ordinance, for the protection of water resources.

NOTICE IS HEREBY GIVEN that Ordinance 2012-11 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will revise requirements for Political Signs.

NOTICE IS HEREBY GIVEN that Ordinance 2012-12 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will change the designation of certain lots in the Ocean Acres Section 3.

NOTICE IS HEREBY GIVEN that Ordinance 2012-16 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending and supplementing Chapter 39 entitled "Construction Codes, Uniform" was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 23rd day of April, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ.

NOTICE IS HEREBY GIVEN that Ordinance 2012-17 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey to exceed the Municipal Budget Appropriation limits and to establish a Cap Bank in accordance with N.J.S.A. 40A:4-45.14 was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 23rd day of April, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ.

NOTICE IS HEREBY GIVEN that Ordinance 2012-18 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey amending and supplementing the General Code Book Chapter 1B entitled "Americans with Disabilities Act" was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 23rd day of April, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ.

(598.28) 551921

*original
filed
w/2012-05*

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO: Barnegat Township Planning Board
Ocean County Planning Board
NJ Pinelands Commission
Stafford Township
Ocean Township

Lacey Township
Woodland Township
Borough of Harvey Cedars
Long Beach Township

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: May 8, 2012

SUBJECT: Development Regulation Adoption Notice(s)

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat has finally adopted the following ordinances, after public hearing, namely Ordinance No. 2012-05, 06, 07, 08, 09, 10, 11 & 12 at a regular meeting of said Committee on May 7, 2012 at the hour of 6:30 PM at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey 08005

A copy of each adopted development regulation is enclosed herewith.

Kindly return the bottom portion of this memo upon receipt:

MEMO TO: Barnegat Township Clerk's Office
900 West Bay Avenue
Barnegat, NJ 08005

FROM: Margie Blaw

TOWN: Woodland

WE ARE IN RECEIPT OF ORDINANCE NO. 2012-05, 06, 07, 08, 09, 10, 11 & 12

DATE RECEIVED: 5-9-12

Enclosure