

August 8, 2023
Sparta Council Meeting Agenda
and
Related Documents

1. TC_Agenda 08082023

Documents:

[TC_AGENDA - 08082023 -W.PDF](#)

2. 23-15 Planned Commercial Economic Development Zone PCED

Documents:

[23-15 SPARTA FINAL PCED ORDINANCE - W.PDF](#)

3. 23-16 Amending Chapter 11-2 "Retail Food Establishment Code"

Documents:

[23-16 REVISED FOOD TRUCK ORDINANCE.CL3 - W.PDF](#)

4. 23-17 Salary Ordinance For "Non-Union And Union" Employees

Documents:

[23-17 SALARY ORDINANCE- 2023 - W.PDF](#)

5. 23-18 Ordinance Requiring Installation Of A Key Lock Box

Documents:

[23-18- KEY LOCK BOX ORDINANCE.CL -W.PDF](#)



SPARTA TOWNSHIP COUNCIL

AGENDA

August 8, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, August 8, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Town Council meeting is opened at 4:30 pm.

The Regular meeting begins at 7:00 pm.

All Council Meetings are now live streamed and can be viewed at the following link:

<https://www.youtube.com/@SpartaTwp/streams>

STATEMENT:

Adequate notice of this meeting was provided to the public and the press on June 14, 2023 by delivering to the press and posting on the Township website a copy of the notice.

1. ROLL CALL

Councilman Dean Blumetti, Mayor Dan Chiariello, Deputy Mayor Neill Clark, Councilman Josh Hertzberg, Councilwoman Christine Quinn, Township Manager, Attorney, Municipal Clerk

RESOLUTION

Open Public Meetings Act-Executive Session Motion _S_



SALUTE TO THE FLAG

2. MINUTES

None

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

July 25, 2023

August 8, 2023

6. INTRODUCTION OF ORDINANCE

23-17 AN ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING SALARY ORDINANCE FOR "NON-UNION AND UNION" EMPLOYEES

23-18 AN ORDINANCE REQUIRING THE INSTALLATION OF A KEY LOCK BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE SPARTA TOWNSHIP FIRE DEPARTMENT DURING AN EMERGENCY OR ANY OTHER ACTION DEEMED NECESSARY BY THE SPARTA TOWNSHIP FIRE DEPARTMENT



7. HEARING OF ORDINANCE

23-15 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED “COMPREHENSIVE LAND MANAGEMENT CODE” TO AMEND THE DEFINITIONS UNDER SECTION 18.2 AND TO AMEND PORTIONS OF SECTION 18-4.31A ENTITLED “PLANNED COMMERCIAL ECONOMIC DEVELOPMENT ZONE (PCED)”

23-16 THE TOWNSHIP OF SPARTA AMENDING CHAPTER 11-2 “RETAIL FOOD ESTABLISHMENT CODE” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

9-1 Resolution Authorizing Refunds for Tax Overpayments

9-2 Resolution Authorizing Refunds for Tax Overpayment Due to NJ State Court Judgment/Stipulation for Exempt Status

9-3 Resolution Authorizing Disabled Veteran Cancellation of Tax

9-4 Resolution of the Township of Sparta, County of Sussex, State of New Jersey, Extending the Due Date for 3rd Quarter 2023 Tax Bills

9-5 One-Day ABC Social Affairs Permit – Samaritan Inn Inc

9-6 One-Day ABC Social Affairs Permit –Camp Sacajawea



- 9-7 Resolution Authorizing the Purchase of a Caterpillar Backhoe Loader for the Department of Public Works via Sourcewell Cooperative purchasing contract.
- 9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles- September 11th- 9/11 Flag

10. COUNCIL LIAISON' UPDATES

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 Resolution Authorizing Refunds for Tax Overpayment

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment due to Sussex County Tax Board Judgment

BLOCK	LOT	AMOUNT	YEAR
3001	88	\$3,678.40	2023

9-2 Resolution Authorizing Refunds for Tax Overpayment Due to NJ State Court Judgment/Stipulation for Exempt Status

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment due to NJ State Court Judgment/Stipulation for exempt status:

BLOCK	LOT	AMOUNT	YEAR
17001	5	\$9,337.03	2017
17001	5	\$9,453.67	2018
17001	5	\$12,969.79	2019
4002	30	\$13,314.40	2020

9-3 Resolution Authorizing Disabled Veteran Cancellation of Tax

WHEREAS, the property owner of Block 27001, Lot 79, is a 100% permanently disabled veteran in accordance with N.J.S.A 54:4-30.30;

WHEREAS, the Assessor approved the exemption as of the July 7, 2023.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector cancel 2023 tax balance and the first half of 2024;

9-4 Resolution of the Township of Sparta, County of Sussex, State of New Jersey, Extending the Due Date for 3rd Quarter 2023 Tax Bills

WHEREAS, Revised State Statute 54:4-67 requires that all 3rd Quarter tax bills be mailed out at least twenty-five (25) days before the due date; and



WHEREAS, the Tax Collector did not receive the Certified Tax Rate and the Extended Tax Duplicate for the Township of Sparta before the new 2023/2024 billing could proceed; and

WHEREAS, the Tax Collector is requesting that the due date for the third (3rd) quarter may be extended the twenty-five (25) days as required, from the tax bill mailing date, July 28, 2023.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Sparta, County of Sussex and State of New Jersey, on this 8th day of August, 2023 that the extended due date for the (3rd) third quarter tax bills for the year 2023 is hereby approved.

9-5 One-Day ABC Social Affairs Permit –Samaritan Inn Inc

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Samaritan Inn Inc for a social affairs permit for a Wine Tasting on September 10, 2023 from 3:00 p.m. to 6:30 p.m. at LMCC, 21 The Boardwalk, Sparta, NJ 07871.

9-6 One-Day ABC Social Affairs Permit –Camp Sacajawea

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Camp Sacajawea for a social affairs permit for the Renaissance Festival, September 9,10,16,17,23,24, 2023 from 10:00 a.m. to 5:00 p.m. at Station Park, 215 White Lake Road, Sparta, NJ 07871.

9-7 Resolution Authorizing the Purchase of a Caterpillar Backhoe Loader for the Department of Public Works via Sourcewell Cooperative purchasing contract.

WHEREAS, Caterpillar and Sourcewell have entered into an agreement (Contract #032119-CAT) for the procurement of Heavy Equipment; and

WHEREAS, the Township of Sparta is an approved Sourcewell member ID#28192; and



WHEREAS, Caterpillar have extended their pricing to Sourcewell Members, thereby affording the Township of Sparta the opportunity of direct purchase through their distributor Foley Caterpillar without competitive bidding; and

WHEREAS, Foley Caterpillar offers the ability to purchase a replacement backhoe while also offering a trade in option; and

WHEREAS, funds in the amount \$400,000.00 are currently available for this purpose as approved in the 2023 Capital Improvement line 04-216-55-954-002; and

NOW, THEREFORE, BE IT RESOLVED that the Township of Sparta in the County of Sussex, State of New Jersey wishes to purchase a current year model 420-07XE Backhoe Loader for a total price of ONE HUNDRED AND TWENTY-SIX THOUSAND AND SIXTY DOLLARS (\$126,060.00); and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute said contract and related contract documents; and

BE IT FURTHER RESOLVED that this contract will be in effect from the date of award until delivery and acceptance of the equipment as per the time allotted in the technical specifications.

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

9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – September 11th - 9/11 Flag

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on its grounds and wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and



WHEREAS, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and

WHEREAS, the Sparta Township Council has scheduled the display of a commemorative flag on **September 11th, 2023**; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township will display a commemorative flag on **September 11, 2023**.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

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

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



**RESOLUTION – OPEN PUBLIC MEETINGS ACT – EXECUTIVE
SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- a. Litigation
- b. Personnel
- c. Contract Negotiations
- d. Miscellaneous Legal Advice

It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.

This resolution shall take effect immediately.

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED
“COMPREHENSIVE LAND MANAGEMENT CODE” TO AMEND
THE DEFINITIONS UNDER SECTION 18.2 AND TO AMEND
PORTIONS OF SECTION 18-4.31A ENTITLED “PLANNED
COMMERCIAL ECONOMIC DEVELOPMENT ZONE (PCED)”**

Purpose Statement. The purpose of this Ordinance is to amend certain provisions of the Comprehensive Land Management Code to amend the definitions and to amend portions of the Planned Commercial Economic Development (PCED) Zone District.

Whereas the amendments to PCED Zone District align with new regulations and guidelines enacted by various New Jersey Departments, Agencies, Research Institutions, and planning and sustainable focused Not for Profits to develop, design and plan for smart growth principles.

Whereas the PCED Zone District is located in the Rural Planning Area (PA4) as defined by New Jersey’s State Development and Redevelopment Plan. The primary intention of the Rural Planning Area (PA4) designation is the protection and enhancement of rural lands by discouraging land use policies that produce sprawl.

<https://nj.gov/state/planning/assets/docs/2001-state-plan/stateplan030101.pdf>

Whereas to address stormwater runoff issues that could result in flooding and pollutants into New Jersey’s waterways, on March 2, 2020, the New Jersey Department of Environmental Protection (NJ DEP) amended the Stormwater Management Rules (NJAC 7:8) to include the use of green infrastructure as stormwater management techniques.

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_8.pdf

Whereas to further reduce the impact of stormwater runoff in December of 2022, NJ DEP published amendments to Stormwater Management Rules to implement stormwater design requirements for new developments necessary to reduce stormwater runoff.

<https://www.nj.gov/dep/rules/proposals/proposal-20221205b.pdf>

Whereas understanding the impacts of climate change and the importance for smart growth and land use planning , New Jersey signed into law P.L. 2021, c6 on February 4, 2021, to require a municipality to incorporate a climate change-related hazard vulnerability assessment into any Master Plan Land Use Element necessary to implement sound land use planning decisions.

https://pub.njleg.gov/bills/2020/AL21/6_.HTM

Whereas Sparta Township is located in the New Jersey’s Highland Region, created by the 2004 New Jersey Highlands Water Protection and Planning Act and administered by the Highlands Council. The mission of the Council’s mission is to oversee the preservation, protection, enhancement, and development of the natural, cultural, and recreational resources within the Highland Region, by balancing land development with conservation to sustain the region’s ecological integrity.

https://www.nj.gov/dep/rules/adoptions/njac7_38_20050509.pdf

Whereas the Highlands Regional Master Plan (RMP), was adopted in 2008. In accordance with the RMP policy, the Highlands Council urges municipalities to reduce impervious coverage to the maximum

extent feasible, regardless of current levels, to deter water degradation resulting from increased stormwater runoff as a result of impervious coverage.

https://www.nj.gov/njhighlands/master/rmp/final/highlands_rmp_112008.pdf

Whereas the Highlands Council published a report entitled “Policy Standards for Warehousing in the New Jersey Highlands Region” on April 28, 2023, noting that impervious coverage is widely recognized as the largest factor in degradation of water quality in most waterways.

https://www.nj.gov/njhighlands/planconformance/guidelines/warehousing/warehouse_policy.pdf

Whereas research from the Rutgers Raritan River Initiatives has found a high correlation between the amounts of impervious surface cover and the degree of water quality impairment.

<https://rutgers.app.box.com/s/c509dcz5rtkcdyb1zilma84p0irasgpx>

Whereas the amendments to the PCED Zone support several mission statements of New Jersey Future to promote sensible and equitable growth, infrastructure investments to foster resilient communities and to protect natural lands and waterways.

<https://www.njfuture.org/about-njf/mission-history/>

Whereas the Rutgers Water Resources Program recommends the reduction of impervious coverage to address water resource issues.

http://water.rutgers.edu/Projects/NFWF-Highlands/NFWF-HIGHLANDS-ICAs/NFWF-HIGHLANDS_HOLLAND-TOWNSHIP_ICA.pdf

NOW THEREFORE be it ordained by the Council of the Township of Sparta that Chapter XVIII entitled “Comprehensive Land Management Code” is hereby amended as follows:

Section 1. Section 18-2.1 entitled “Definitions Purpose” is amended to add the following definitions:

- a. Light Industrial Use shall mean industrial uses that meet the performance standards as permitted in Section 18-4.31A.b.10 of the PCED Zone District.
- b. Outdoor Dining Area shall mean a designated area on the premises of a retail food establishment or restaurant, but outside the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a wait staff.
- c. Outdoor Eating Area shall mean a designated area on the premises of a retail food establishment, but outside the principal building, and where patrons may sit at tables while consuming foods, soft drinks, ice cream, and similar confections purchased from the retail food establishment.

Section 2. Section 18-4.31A Planned Commercial Economic Development Zone (PCED) is amended in its entirety to state as follows:

- a. Purpose. The purpose of the Route 15 Planned Commercial Economic Development (PCED) Zone is to permit development of the areas of land along Route 15, West of Route 15, North of the New York Susquehanna Western Railroad right-of-way and Houses

Corner Road and South of Wilson Drive. A Planned Commercial Development will prevent any adverse impacts on the community and enhance the existing light industrial uses, and permit the free flow of traffic on Route 15 to meet the State NJDOT Highway Access Management Code.

- b. Permitted Uses. The following uses are permitted in the Planned Commercial Economic Development (PCED) Zone in a Planned Development.
1. Planned Commercial Economic Developments, including any uses permitted in this zone.
 2. Office building for business, professional, executive, administrative offices.
 3. 24 Hour Emergency/Urgent Care facilities.
 4. Retail uses in single use or multi-tenant buildings provided the buildings have a residential appearance of multiple facades and multiple peaked roofs.
 5. Restaurants including restaurants where food is sold on premises and served and consumed at tables within the restaurants.
 6. Indoor theaters, indoor cinemas, and indoor recreation areas including gymnastics, basketball, soccer, health clubs, and other similar uses.
 7. Banquet facilities.
 8. Agricultural uses on five (5) acres or more.
 9. Science, research and development laboratories.
 10. Light Industrial Use processes of manufacture, fabrication, assembly treatment or packaging conversion of products provided that no light manufacture use shall manufacture, fabricate, assemble, package or process any material or product that uses or generates hazardous materials or materials regulated by the Technical Regulations of the New Jersey Department of Environmental Protection under the Site Remediation Program.

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_26e.pdf
 11. Retail Pharmacy (with or without a drive-through window).
 12. Micro-breweries, Micro-distilleries, Wineries.
 13. Outdoor recreation uses, except those included as a conditional use or prohibited use.
 14. Preexisting storage buildings and preexisting warehouses.
 15. Multi-tenant professional offices.
 16. Warehouses and storage buildings located three hundred (300) feet from Route 15 provided that no warehouse or storage building shall (a) store any material or product that uses or generates hazardous materials or materials regulated by the Technical Regulations of the New Jersey Department of Environmental Protection under the Site Remediation Program, and (b) have no more than three (3) dock doors

- c. Conditional Uses. The following uses are approved as conditional uses in the PCED Zone District.
1. Outdoor Dining or Outdoor Eating subject to the conditions in Section 18-4.7.c.19.
 - (a) The following design standards shall also apply to all Outdoor Dining Areas and Outdoor Eating Areas. An Applicant shall prepare a statement addressing how the development proposal complies with each design standard. An Applicant may request a design waiver from a design standard which is subject to the Board's approval. These design standards are not conditions of the conditional use of Outdoor Dining or Outdoor Eating.
 - (1) All outdoor dining areas and outdoor eating areas shall be limited to not more than twenty percent (20%) of the total maximum permitted seating for the interior of the establishment.
 - (2) All outdoor dining areas and outdoor eating areas shall be immediately adjacent to the principal restaurant.
 - (3) No outdoor dining area or outdoor eating area shall be located within any public right-of-way or any part of any parking lot, including but not limited to a parking aisle, parking space or any parking circulation area.
 - (4) All outdoor dining or outdoor eating areas shall be set back not less than fifty (50) feet from a public right-of-way or twenty (20) feet from the curb line of a private street or driveway.
 - (5) The highest standards of cleanliness of the outdoor area shall be maintained at all times, including frequent litter removal, within and around and beyond the subject property. A plan for litter removal, trash handling, and overall cleanliness and maintenance shall be submitted together with the application. No outdoor storage of refuse shall be permitted.
 - (6) The hours for outdoor service shall be the hours the establishment is open. No tables, chairs, benches or other equipment used shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk.
 - (7) Noise shall be kept at such a level as to comply with all provisions of the Township ordinances relating to noise as well as all applicable State statutes. No outdoor music, live entertainment, public address system, loud speakers or any other type of exterior sound systems shall be permitted unless approval has been obtained from the Township.
 - (8) Lighting servicing the outdoor dining or outdoor eating areas shall be kept at the minimum necessary to ensure the safety of the public and patrons of the establishment. No lighting provided specifically for outdoor dining or outdoor eating areas shall spill onto adjacent properties. All lighting shall be directed towards the principal restaurants and shall otherwise comply with all applicable Township Ordinances.

- (9) Low barriers of a temporary nature shall be placed at the edge of the seating area provided that there is no interference with public safety, pedestrian movement or vehicular circulation patterns.
 - (10) There shall be a minimum fifty (50) foot buffer between the lot on which an outdoor dining area or outdoor eating area is proposed and an adjacent lot developed with a residential structure.
 - (11) The outdoor dining operation shall be operated and maintained by the same person who operates and maintains the related restaurant establishment of which the outdoor dining area or outdoor eating area is a part and extension thereof.
 - (12) "BYOB" is permitted in outdoor dining areas but only with the consumption of food; establishments with valid liquor licenses may serve alcohol at outdoor dining seating without the consumption of food.
 - (13) All necessary amendments to liquor license applications with regard to the description of the area of the licensed premises shall be made and approval for such obtained prior to the service of alcohol in the outdoor dining area which is a part of the premises for which a liquor license has been previously issued.
 - (14) There shall be no additional signage on the premises or on the furnishings and equipment utilized as part of the outdoor dining operation.
 - (15) Where outdoor dining is proposed to be located directly adjacent to parking spaces which provide for head-on parking or parking angled towards the proposed outdoor dining area or outdoor eating area, protective bollards or barriers must be installed as approved by the Township Engineer or Land Use Board Engineer.
 - (16) All outdoor dining areas and outdoor eating areas shall be approved by the respective Township Land Use Board.
2. Public utilities subject to the conditions under Section 18-4.7.c.3.
 3. Schools shall be subject to the conditions under Section 18-4.7.c.9.
 4. Drive-Through Restaurants where food is sold on premises and served and consumed within the restaurant, and with drive-through windows.
 - (a) All drive-through restaurants shall comply with the conditions under Section 18-4.7.c.2.
 - (b) All drive-through restaurants shall provide an on-site queuing of cars from the point of entrance up to the pickup window for no less than twelve (12) cars in a drive-through lane and that does not encroach in any public or private street. Any ordering menu or ordering window shall be out of view from Route 15.

- (c) All drive-through restaurants are encouraged to have a single drive-through entry lane that splits into two (2) ordering lanes and merges back into a single pick-up lane.
- 5. Banks and banking offices subject to the conditions in Section 18-4.7.c.13.
- 6. Churches, houses of worship subject to the conditions in Section 18-4.7.c.9.(b).
- 7. Miniature Golf Courses and batting cages subject to the conditions in Section 18-4.7.c.5.
- d. Prohibited Uses. The following uses are specifically prohibited in the PCED Zone District.
 - 1. Hair and Nail Salons.
 - 2. Kennels and Veterinary Hospitals.
 - 3. Golf courses.
 - 4. Trucking terminals.
 - 5. Soil and rock removal.
 - 6. Gasoline Service and/or Distribution Stations.
 - 7. Outdoor retail sales or retail display areas.
 - 8. Distribution centers, fulfillment centers or parcel hubs.
 - 9. Outdoor storage.
 - 10. Any uses that are regulated by the underground storage tank (UST) program of the State of New Jersey or Federal Government.

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_14b.pdf
 - 11. Any uses that use or generate hazardous materials or materials regulated by the Technical Regulations of the New Jersey Department of Environmental Protection under the Site Remediation Program.
 - 12. Any use listed under Appendix A Major Potential Contaminant Sources (Ordinance No. 2015-12) and within §18-3.4.k.6 of the Township's Ordinance.

<https://ecode360.com/35836262>
 - 13. Any use that would prove to be environmentally harmful, as defined by the New Jersey Department of Environmental Protection, Division of Water Monitoring and Standards, to the existing wellheads located on Block 12008, Lot 9 or the underlying Germany Flats aquifer.

https://www.state.nj.us/dep/dwq/7_14a/sub01rule.pdf
 - 14. Any use involving any animal testing shall be prohibited.

15. Any use not specified as a permitted use or conditional use shall be prohibited.
- e. Accessory Uses. Those uses customarily incident to the above permitted and conditional uses.
- f. Required Standards. All Planned Commercial Economic Development (PCED) District Zone uses shall meet the following minimum standards.
1. Building Height. The height of a principal structure shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories.
 2. Front Yard. There shall be a front yard setback of not less than fifty (50) feet. Parking areas shall have a minimum front yard setback of twenty-five (25) feet. Properties with frontage on Route 15 shall have a front yard setback of not less than one hundred (100) feet. No more than thirty-three and one-third percent (33 1/3%) of the parking spaces shall be located in the front yard.
 3. Side Yard. There shall be two (2) side yards, each of which shall be no less than thirty (30) feet. Parking as required may be permitted in the side yards with a side yard setback not less than ten (10) feet. The parking side yard setback may be reduced to zero (0) feet for adjacent properties with shared parking.
 4. Rear Yard. There shall be a rear yard of a least fifty (50) feet. The rear yard may be used for parking with a rear yard setback of not less than ten (10) feet. The parking rear yard setback may be reduced to zero (0) feet for adjacent properties with shared parking. Underground or underbuilding parking shall be prohibited. For existing lots of 25 acres or greater in size as of June 1, 2023, there shall be a minimum three hundred (300) foot setback from the rear property line to any impervious surface or structure to mitigate the potential adverse impacts of incompatible land uses, promote environmental protection, enhance visual aesthetics, and provide a transition between adjacent land uses. The rear yard setback shall be planted with a mixture of native vegetation; including trees, shrubs, and ground cover. A variety of plants, five (5) to seven (7) different species of native trees and shrubs should be used to create a diverse planting palette. Groupings of shrubs shall be interspersed with the overall grid of tree plantings. A native grass and wildflower seed mix suitable for upland areas and riparian areas shall be applied to all surrounding disturbed land. In open areas, tree planting should be approximately ten (10) feet on center, in staggered rows. Tree tubes should be used to protect tree saplings from wildlife damage. A range of container sizes are recommended for revegetation/restoration areas as follows:
 - (a) Twenty percent (20%) shall have a minimum size of fifteen (15) gallons.
 - (b) Twenty percent (20%) shall be seven (7) gallons.
 - (c) Sixty percent (60%) shall have a minimum size of one (1) gallon.
 5. Impervious Coverage. Maximum impervious coverage shall not exceed thirty percent (30%) of the lot area. Impervious coverage may be increased if a portion of the lot is used as a public right-of-way or public access easement providing access to adjoining lots for purposes of access to either Wilson Drive or the new traffic light located on Route 15. The increase in impervious coverage shall be equal to one (1.0) times the area of public right-of-way or public access easement located on the original property providing access to the new traffic light.

6. Lot Area and Building Size. Minimum lot size shall be one (1) acre. No building size shall exceed a total of twenty-five thousand (25,000) square feet (including the sum of all floors), or exceed the building square footage that would generate a wastewater disposal to an individual subsurface disposal system of greater than 1,999 gallons per day, whichever is less.
7. Minimum Frontage. There shall be a minimum lot frontage of two hundred (200) feet.
8. Parking. The uses within the Planned Commercial Economic Development (PCED) Zone shall provide for parking in accordance with the parking standards set forth in Subsection 18-5.3.h. Underground or underbuilding parking is not permitted.
9. Planned Commercial Economic Development uses shall utilize Wilson Drive, Gail Court or the future intersection for northbound access to Route 15. Access from northbound Route 15 shall be from Wilson Drive, Gail Court or the future intersection. There shall be no new left turn in and/or left turn out driveways after September 25, 2018, to Route 15 from new or expanded uses within the Planned Commercial Economic Development. Any driveway access to Gail Court shall be a minimum of fifty (50) feet from Block 12008, Lot 9 (wellhead property).
10. Architectural Design Standards.
 - (a) The PCED shall have a unified architectural and design scheme for all buildings and facades that face streets or parking areas. Each facade must be treated architecturally, not just the main entrance facade. The entire front, sides and rear of the building shall be coordinated in compatible colors and materials. Street facades, in the public view, shall receive the greater architectural emphasis.
 - (b) Natural, earth tone colors with accent colors permitted as a unifying design element or as business color scheme.
 - (c) Building facades shall be articulated with a base, a lower and upper facade and capped with a cornice; and/or a roof element. All visible facades of any proposed building must be treated with architectural materials which shall consist of brick, finished masonry, stone, wood or combination thereof, based on commonly accepted architectural details, or other materials approved by the Planning Board.
 - (d) All buildings shall have pitched roofs except where technical considerations require a flat roof, a mansard roof treatment shall be used to reflect the design standards of the PCED. Different orientations, and types of pitched roofs (hip, mansard or gable) shall be utilized to break up large roof lines. Architectural shingles are permitted; metal roofs may be permitted provided they are consistent with color design standards.
 - (e) Entrances shall be defined by architectural elements.
 - (f) Any exterior mechanical and electrical equipment, shall not be exposed to the public view. Any deviations from the standard shall require architectural treatments consistent with the character and approved by the Board.
 - (g) Continuity of Architecture and Site Details. The design continuity and coordination of architecture and site details, especially walls, fences, ornamental metal work, steps, walkways, planting beds and landscaping is especially

critical to the character of the Planned Commercial Economic Development zone.

- (h) **Massing.** The massing of building facades longer than one hundred and fifty (150) feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, at intervals no greater than one hundred (100) feet in length.
- (i) **General Site Design Standards** (applicable to all uses).
 - (1) **Drive-through Facilities.** Drive-through windows, menu boards, equipment, and associated stacking lanes should be located to minimize impacts on adjacent residential areas and should be adequately screened from public view and the view of adjacent sites. Consider drive-through windows that incorporate an architectural covering consistent with the design theme of the building. Coverings over drive-throughs can help to achieve more variation to building mass, added comfort for users, breakdown of building mass, and finished building appearance.
 - (2) Clearly visible and direct pedestrian paths should be established between neighboring buildings, between buildings and outlying parking areas, and between buildings and transit facilities. Where pedestrian circulation paths cross vehicular routes, a change in paving materials, textures, or colors should be provided to emphasize the conflict point, improve visibility, enhance safety, and provide added aesthetic appeal. Bicycle parking should be provided at locations that do not obstruct the flow of pedestrians, are easily identifiable and visible, and convenient to customer entrances.
 - (3) Loading docks and service areas should be located interior to the property to avoid visibility from any street. When impractical, landscaping should be maximized to screen docks and service areas as much as possible.
 - (4) Loading areas should not interfere with onsite pedestrian and vehicular circulation. Off-street loading areas shall be located in the rear of buildings and screened from view from adjacent property or streets.
 - (5) Service facilities, including trash enclosures, storage areas, utility meters, etc., should be located and designed for easy access by service vehicles and should not intrude into major lines of sight when viewed from public view.
 - (6) Dumpsters shall be screened to a height of eight (8) feet with an opaque screen on all sides made of brick, stucco, or split-face block and located behind the building they serve.
 - (7) All ground mounted mechanical, HVAC and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by an opaque wall or fence made of brick, stucco, split face block or landscaping.

- (8) For all commercial/retail buildings, roof mounted mechanical, HVAC and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.
- (9) Stormwater management elements should be designed as part of a connected system of open spaces, greenways, and trails to provide amenities for businesses, workers and visitors.
- (10) Sidewalks. Sidewalks and crosswalks where applicable, shall be installed along all rights-of-way and between rights-of-way and buildings. Sidewalks along Route 15 are under the jurisdiction of NJDOT.
- (j) Any pre-existing signs on existing properties may continue to be used. Signs located along any internal access drive shall be limited to one (1) free-standing monument sign per business located on a foundation and shall be no greater than fifteen (15) square feet on each side and shall be no higher than five (5) feet in height. Properties with existing direct access to Route 15 may have an additional sign to be located along Route 15 up to thirty-two (32) square feet at a height of five (5) feet.

11. Sign Standards.

- (a) Individual businesses that have a principal entrance on the first story may choose from the following sign types and must follow the conditions for each individual sign type.
 - (1) Awning.
 - [a] Smallest rectangle that fully encompasses the entire extent of letters, logo and background. The following variations of awnings, with or without sign bands are permitted: fixed or retractable, shed or dome awnings.
 - [b] Signage or sign bands shall be limited to the valance of the awning or the vertical portion of a dome awning.
 - [c] No portion of the awning shall be lower than eight (8) feet clearance.
 - [d] Awnings shall be a minimum of four (4) feet deep, and shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the story above. Awnings may wrap around the corner of buildings.
 - [e] The height of the valance or sign band shall not exceed twelve (12) inches.
 - [f] Awning signs shall contain only the business name, logo, and/or street address. Letters, numbers and graphics shall cover no more than seventy percent (70%) of the valance/sign band area.

[g] Awning signs shall not be internally illuminated or backlit. Colors shall be consistent with the uniform architectural and design scheme of the overall planned development.

(2) Band.

[a] Band signs shall include only letters, background, and an optional logo. Information shall consist only of the name and/or logo of the business. Band signs shall not list products, sales, or other promotional messages, or contact information.

[b] The following band sign construction types are permitted:

[1] Cut-Out Letters. Letters shall be individually attached to the wall or on a separate background panel, and shall be externally illuminated.

[2] Flat Panel. Letters shall be printed or etched on same surface as the background, which is then affixed to the wall and externally illuminated.

[3] Channel Letters by Warrant. Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect.

[c] Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background. Height shall not exceed three (3) feet.

[d] Band signs shall not be wider than ninety percent (90%) of the width of the building facade or tenant space.

[e] Band signs shall not project vertically above thereof line.

[f] Band signs may be illuminated from dusk to dawn or during business. External lights shall be shielded from direct view to reduce glare.

[g] No internal lighting shall be permitted.

[h] Band signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature such as a storefront window, entry portal, or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.

12. Sidewalks. Sidewalks and crosswalks where applicable, shall be installed along all rights-of-way and between rights-of-way and buildings. Sidewalks along Route 15 are under the jurisdiction of NJDOT.

13. A row of shade trees shall be provided along any public or private right-of-way. A row of shade trees, spaced no more than seventy-five (75) feet apart, shall be planted along Route 15 and dedicated to perpetual open space.

14. Planned Commercial Developments. Planned commercial developments shall have a minimum of twenty (20) acres with a minimum of two hundred (200) feet of frontage on Route 15 and are subject to meeting at least one of the following standards (a) access to an access road connecting the property to the new road at the traffic light on Route 15 or (b) access to Wilson Drive or Gail Court, provided that any driveway access to Gail Court shall be a minimum of fifty (50) feet from Block 12008, Lot 9 (wellhead property). The access to Wilson Drive or Gail Court may be a public or private street or a driveway. The developer is encouraged to propose a road accessing Wilson Drive or Gail Court as part of any Planned Development Site Plan application; however, any new warehouse building or Light Industrial Use building application shall and must include a proposal for a new road accessing Wilson Drive or Gail Court for ingress and egress to those types of buildings. There shall be only one (1) roadway from the Planned Commercial Economic Development District to Route 15 for primary ingress and egress at the planned new traffic light. Existing operating driveways existing as of August 2017 may continue to operate. All non-warehouse and non-Light Industrial Use driveways shall, at a minimum, connect to the one new road accessing Route 15 at the new traffic light but are also encouraged to connect to Wilson Drive or Gail Court.

- (a) The planned commercial development shall have a unified architectural and design scheme which shall be designed as a campus-like setting and satisfy the requirements of Section 18-4.31A.f.10 and shall be subject to the review and approval of the reviewing board at the time of preliminary and final site plan approval. The approved unified architectural and design scheme shall be complied with by the applicant, and any future developers within the Planned Commercial Economic Development (PCED) District. There shall be no changes to the architectural and design scheme without a formal Amendment of the approved planned commercial development or site plans within the PCED District by the applicant and approval of the Amendment by the reviewing board of the Township of Sparta. The unified architectural and design scheme shall include a unified architectural appearance of all facades of the buildings, and shall provide for common signage theme for all uses in the property and in the zone.
- (b) One (1) monument directory sign along Route 15 for the planned commercial development may be submitted and approved. The directory sign may be up to thirty-two (32) square feet with a maximum height of eight (8) feet on each side for any property or group of properties in the planned commercial development.
- (c) Parking for the planned commercial developments in the Planned Commercial Economic Development (PCED) Zone shall be located within two hundred (200) feet of each of the structures for which the parking is provided. No more than thirty-three and one-third percent (33 1/3%) of the parking spaces shall be located in the front yard.
- (d) Landscape Plan. Any Planned Commercial Economic Development (PCED) development shall provide a landscape plan prepared by a Licensed Landscape Architect in the State of New Jersey for at the time of preliminary site plan approvals setting forth a landscape buffer between the adjacent industrial properties and the planned commercial development and within and between parking lots. The landscape aisles within the parking island shall be located at

least every forty (40) parking spaces. The landscape plan shall provide for the initial planting of shade trees at a minimum caliper of four (4) inches in a base of at least one (1) tree every thirty (30) feet of the landscape area within the parking area, or on the perimeter of the parking area and all property boundaries. The landscape plan shall also address streetscape improvements including but not limited to benches, lighting poles and fixtures (all downward facing), and sidewalk pavers/materials. Lighting shall provide a minimum of five-tenths (0.5) foot candle in parking lots.

- (e) All parking lots shall meet the landscaping requirements under Section 18-5.3.o of the Township Ordinances.
- (f) **Common Access Between Parking Lots.** Any Planned Commercial Economic Development (PCED) development shall provide for common access and egress from parking lots and for common areas between parking lots even if owned by separate owners within the planned commercial development. A deed of common driveway easement shall be submitted with any planned commercial development and shall be subject to the review and approval of the Planning Board Attorney and the Planning Board Engineer. The common driveway shall be intended to prevent the need for new left turn out and left turn in driveways to Route 15. The accessways may be a common driveway, private or public road.
- (g) Prior to the commencement of the site work, the applicant shall enter into a Developer's Agreement with the Council of the Township of Sparta as authorized by the Municipal Land Use Law establishing certain minimum conditions relating to water, septic or sewer, fire protection, ingress and egress from Wilson Drive standards to ensure no new left turn in and left turn out driveway to and from Route 15, timing and rate of development, construction of private and public improvements, dedication of open space, performance guarantees and any common accessways and public improvements, maintenance guarantees for any common accessways or public improvements, and in such other time period or statutory protection period applicable to the development, and such standards and provision as shall be deemed appropriate by the governing body of the Township of Sparta.
- (h) **Pedestrian Walkways Between Buildings.** All commercial buildings within a planned commercial development shall provide for safe vehicular and pedestrian ingress to and egress from parking lots and drives and building areas. In addition, a pedestrian plan shall be submitted within the application at the time of preliminary site plan application providing for pedestrian access from parking spaces devoted to particular uses to the buildings to which the parking spaces are devoted. The sidewalk shall be located a minimum of six (6) feet from any building wall to allow for landscaping between the sidewalk and building wall. The architectural scheme for the planned commercial development shall provide for internal and external pedestrian circulation within buildings and between uses within buildings and for the connection between buildings. Sidewalks shall be provided along any public right-of-way, excluding Route 15.
- (i) **Required Standards and Criteria.** In order to foster the attractiveness of a site designated as a PCED, planned commercial development and the surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement

comprehensive planning and better serve the public health, safety and general welfare, the following standards and criteria shall be utilized by the Planning Board in reviewing all site plans and subdivision plats relating to a PCED, planned commercial development. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.

- (1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. All planned commercial developments shall provide a minimum front yard of one hundred (100) feet from Route 15 which shall be landscaped with a row of shade trees spaced no more than seventy-five (75) feet apart and dedicated to perpetual open space.
- (2) Interior Building Setbacks. The distance between buildings on the same lot or as part of a Planned Commercial Development (PCD) shall be sufficient to provide adequate light and air, however no building wall shall be located closer to another building wall than the building height of the tallest adjacent building.
- (3) Exterior Building Setbacks. The front yard, side yard and rear yard building setbacks for all Planned Commercial Developments shall be the same as specified for all uses in the PCED Zone.
- (4) With respect to vehicular and pedestrian and handicapped circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- (5) Special attention shall be given to property site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.
- (6) All permanent utility lines, pipes and conduits shall be located below ground, and all other installations and appurtenances shall be adequately screened.
- (7) The size, location, design, color, texture, lighting and materials of all temporary and permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- (8) Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

- (9) Adequate provision shall be made for a sewage disposal system which shall be of sufficient size, capacity and design to collect and dispose of all sewage from all present and proposed buildings in the PCED, planned commercial development, and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements. Any systems proposed shall ensure that any discharge is directed away from any wellhead protection areas located in PCED and any adjacent zones.
- (10) Adequate provision shall be made for a storm drainage and surface water detention system which shall be of sufficient size, capacity and design to collect, carry off and dispose of all predictable surface water runoff within the PCED, planned commercial development, and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements. Any systems proposed shall ensure that any discharge is directed away from any wellhead protection areas located in PCED and any adjacent zones.
- (11) Adequate provision shall be made for a water system which shall be of sufficient size, capacity and design to supply potable water and fire protection to each of the buildings within the PCED, planned commercial development, and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements.
- (12) Adequate provision shall be made for the collection and disposal and, where possible, recycling of garbage, trash and solid waste generated by the PCED, planned commercial development, and such system shall be maintained in conformity with all applicable State, County and municipal regulations and requirements.
- (13) Adequate provision shall be made for a system of interior roads sufficient to accommodate predictable vehicular traffic within the PCED, planned commercial development, and to ensure safe and efficient vehicular access, including access of fire-fighting equipment to and from each of the buildings within the PCED, planned commercial development.
- (14) In the event that PCED, planned commercial development, is to be constructed in sections over a period of years, then the provisions for the sewage and garbage disposal, storm drainage and water supply and for interior roads, specified in this Ordinance, need to be adequate only in respect to the sections of development which have previously received final approval and the section of development for which final approval is being sought. The developer shall supply to the Planning Board information disclosing such adequacy and obtain the Planning Board's approval thereof.
- (15) There shall be a minimum front yard setback of fifty (50) feet for buildings and twenty-five (25) feet for any parking area. Except as otherwise provided in this section, there shall be no minimum width or frontage, no requirement as to front, side or rear yards, and no requirement concerning the location of accessory buildings or structures for any land use in the PCED, planned commercial development.

However, no plan for a PCED, planned commercial development, shall be approved unless the lot widths, depths, and frontages, building setbacks, percentages of lot coverage, front, side and rear yards and locations of accessory buildings or structures provided for in the site plan and subdivision plan are consistent with the public health, safety and general welfare.

- (16) No building or structure, other than a fence or garden wall less than seven (7) feet in height, or a sign, shall be located within a distance of fifty (50) feet of any exterior boundary line of the site designated for a PCED, planned commercial development, and no such building or structure other than those excepted above shall be located within a distance of fifty (50) feet of any State or County road.
- (17) The maximum building footprint shall be no greater than twenty-five thousand (25,000) square feet for any single building.
- (18) The maximum building coverage shall be no greater than twenty-five percent (25%) of the lot area.
- (19) Areas along the adjacent railroad right-of-way shall be buffered and include adequate security to limit public access to the railroad right-of-way.
- (20) Prior to issuance of a Certificate of Occupancy (C.O.), each new tenant, or change in tenancy, in the PCED district shall be required to receive tenant approval from the Planning Board to ensure compliance with the provision of this section.

g. Required Impact Studies for any development application in the PCED Zone District.

1. Environmental Impact Study. An environmental impact study shall be prepared by a qualified Environmental professional limited to a licensed New Jersey Professional Planner in the State of New Jersey, a New Jersey Licensed Professional Engineer in the State of New Jersey, or an individual with a master's degree or doctorate in Environmental Sciences, Ecology or similar educational or expertise background and shall be reviewed, which includes elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, mitigation of environmental lighting issues, topography, soil and animal life, air quality, floodplains, wetlands, preservation of trees and vegetation, use of rain gardens, coastal zones and groundwater resources, and the design of the plan shall minimize and propose corrective actions that remedy any adverse impact on these elements. The Planning Board may request a hydrological study for any Planned Development or other development larger than five (>5) acres. Other requirements of the EIS under Section 18-6.5.c.4 shall be required as necessary.
2. Traffic Impact Study
 - (a) The traffic impact for the immediate area as well as the increased traffic volume being created by the proposed use shall be analyzed in written form by a licensed and qualified Traffic Engineer and submitted to the Planning Board.
 - (1) Traffic impact. An analysis of the existing road network available to serve the proposed development as well as the proposed road network within the development itself and the surrounding road

network which will be affected by the proposed development, including the capacity of the existing and proposed roadways and intersections, the anticipated traffic volumes as a result of the proposed development, and the increase in traffic volumes expected from other developments that have been approved by the Township within the area. The analysis also includes any problem spots in the overall road network, including unsafe intersections, turns or grades.

- (b) The Traffic Study shall show that the following standards are met:
 - (1) Trip generation rates at the AM and PM peak hours shall be provided within the study.
 - (2) The additional traffic resulting from the proposed use will not reduce the level of service (LOS) at any impacted intersection to "D" or below. An impacted intersection shall be considered one where one hundred (100) or more weekday peak hour trips are added. Where LOS in a no-build condition exists as "F", the study shall provide mitigation to improve the LOS.

3. Community Impact Statement

- (a) All applications for any Planned Commercial Economic Developments or any building greater than twenty-five thousand (25,000) square feet in the PCED Zone shall be accompanied by a community impact statement prepared by a Licensed Professional Planner in the State of New Jersey or a Licensed Professional Engineer in the State of New Jersey analyzing the proposed development and its expected impacts upon existing municipal facilities and services. The community impact statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest, as well as providing data and opinions concerning the following specific items:
 - (1) Population impact. An analysis of the number of people expected to be added to the municipal population as a result of the proposed development according to the following age cohorts: preschool-aged children, school-aged children, parents of family-bearing age, middle-aged adults and retired people, as well as the number of temporary and permanent jobs created.
 - (2) Facilities impact. An analysis of the existing facilities available to serve the proposed development and the impact of the development upon the facilities, including the adequacy of existing public water facilities, public sewerage facilities, and emergency response facilities. Should such facilities be determined inadequate to serve the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated along with the estimated costs for such additional facilities and who, in the opinion of the applicant, should pay for them.
 - (3) Services impact. An analysis of the existing services provided by the municipality to serve the proposed development and the impact of the development upon services, including police protection, fire protection, first aid, solid waste disposal, and street maintenance services.

- (4) Financial impact. An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality and the county.

Section 3. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

Section 4. Repealer

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 5. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on June 27, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on August 8, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on June 27, 2023. The same came up for final passage and adoption at a virtual meeting of the Township Council of the Township of Sparta, held on August 8, 2023 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

23-16

**THE TOWNSHIP OF SPARTA
AMENDING CHAPTER 11-2 “RETAIL FOOD ESTABLISHMENT CODE” OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA**

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

Section 1.

Chapter 11-2.2 “Definitions” of the Revised General Ordinances of the Township of Sparta is hereby deleted in its entirety and replaced with the following:

§ 11-2.2 Definitions.

CHAPTER 24

As referred to in this chapter shall be an abbreviated term referring to Chapter 24 of the State Sanitary Code, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, and Cottage Food Operations (N.J.A.C. 8:24-1.1 et seq.).

CHAPTER 24, SANITATION IN RETAIL FOOD ESTABLISHMENTS AND FOOD AND BEVERAGE VENDING MACHINES, AND COTTAGE FOOD OPERATIONS

Shall mean and refer to that certain code approved by the State Department of Health (effective date November 17, 2021); for adoption by reference in accordance with law, being a code regulating retail food handling establishments, and food and beverage vending machines and providing for the inspection of such establishments and vending machines.

Section 2.

Chapter 11-2.3 “Adoption of Chapter XII, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines” is hereby deleted in its entirety and replaced with the following:

§ 11-2.3 Adoption of Standards.

Chapter 24 of the New Jersey State Sanitary Code regulating the construction, operation and maintenance of retail food establishments is hereby adopted pursuant to N.J.S.A. 26:3-69.1 to 26:3-69.6. A copy of Chapter 24 is adopted by reference, and made a part hereof without the inclusion of the text herein, and three copies of Chapter 24 will remain on file with the Sparta Township Board of Health for use and examination by the public.

Section 3.

Chapter 11-2 “Retail Food Establishment Code” of the Revised General Ordinances of the Township of Sparta is hereby amended to add new subsection 11-10 “Mobile Food and Drink Vendors” as follows:

§ 11-10 Mobile Food and Drink Vendors.

§ 11-10.1 Title.

This section shall be known and may be cited as “Mobile Food and Drink Vendors”

§ 11-10.2 Definitions.

Except as otherwise modified by this Ordinance, the Definitions within Chapter 24 shall apply.

MOBILE FOOD VENDOR

Shall mean the operator of any mobile unit.

MOBILE UNIT

Shall mean any movable restaurant, truck, van or trailer in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

§ 11-10.3 Class IV License Required; d.

a. Except as may otherwise be provided for within this Ordinance, no Person shall conduct, operate or maintain a Mobile Unit within Sparta Township without first obtaining a CLASS IV license (as defined in §11-2.4(c)) (“License”) from the Sparta Township Clerk’s Office.

- (i) For events open to the public, Mobile Food Vendors must first obtain a License for each Mobile Unit to be operated at the event(s). These Licenses shall be event specific and the applicant must specify the date(s) and events.
- (ii) A retail food establishment that desires to use Mobile Unit(s) at its place of business must obtain a License for each Mobile Unit(s) that will be used at its business location.

Licenses may be applied for annually specifying the date(s) of operation or events, as applicable, or may be applied for individually for use on specific dates or events, as applicable. Applications must be filed with the Township Clerk’s Office at least ten (10) business days prior to the date of the use or event. Sparta Township shall maintain a list of Mobile Unit Licenses issued by the Township.

b. Mobile Food Vendors shall affix to the Mobile Unit a copy of the License issued by Sparta Township, County Board of Health license or approval, the certificate of registration issued by the New Jersey Division of Taxation and shall have displayed prominently on or adjacent to the doors of the mobile unit a placard or lettering with the name and address of the owner, lessee and/or lessor of the Mobile Unit. Said information shall be in letters and numbers no less than three inches in height in accordance with N.J.S.A. 39:4-46.

§ 11-10.4 Application Process.

a. All applicants or licensees attempting to apply for a License must complete an application/reapplication form prescribed by Sparta Township, pay the license fee prescribed in §11-2.7 and provide proof of the following:

1. Proof of ownership or rental of an approved Mobile Unit;
2. Proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage for non-motorized mobile units;
3. Proof of motor vehicle insurance as per N.J.S.A. § 39:6B-1 if the mobile food vendor operates from a motor vehicle in addition to proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage;
4. A satisfactory inspection report issued by the Sussex County Health Department no more than 30 days prior to a license being issued or renewed.
5. Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.’
6. If the Mobile Unit will be used at public event, the Mobile Food Vendor must have written or electronically/digitally (e-mail or online form) transmitted permission from the property owner, the event organizer, and the Township, if applicable.

A Mobile Food Vendor seeking to obtain Township permission for a public event shall submit the request to the Township Clerk at least ten (10) business days in

advance. The request for permission shall include:

- i. The date of the event.
- ii. The location of the event.
- iii. Time of the event.
- iv. Parking location for patrons of the event.
- vi. Proposed location for the Mobile Unit(s).

§ 11-10.5 Mobile Food Vendor Locations

- a. Parked on private property to serve their own guests at a private event, including events sponsored, organized and/or conducted by a business: Township License is not required.
- b. Parked on private property to serve the public for a specific public event on a specific date: Township License is required.
- c. Parked on public property for a public event on a specific date: Township License is required.
- d. Parked on public property to serve the public in general:
 - i. This will be limited to White Lake Field and Station Park.
 - ii. The designated areas of operation within those parks will be determined by the Township Manager or designee.
 - iii. The Township Manager may set a limit on the number of Mobile Food Vendors who may operate in the location at the same time.
 - iv. The Mobile Food Vendor must have a Township License specifying the date(s) that it will be operating at the location.
- e. Retail food establishments. A Retail food establishment (as defined in Chapter 24) may use a Mobile Unit at its business location, provided that it has a Township License.

11-10.6 General Operational Requirements for Mobile Food Vendors.

- a. Mobile Food Vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within 25 feet before leaving their site. Collected trash shall be properly disposed of by the Mobile Food Vendor, and must not be deposited in public trash receptacles.
- b. New or replacement Mobile Units shall be inspected before operating. No changes shall be made to approved Mobile Unit trucks, vans, pushcarts or vehicles without re- inspection by the Sussex County Health Department.
- c. No Mobile Food Vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.
- d. No Mobile Food Vendor shall occupy street space blocking the passage of traffic.
- e. Mobile Units shall be self-contained; no coolers to be placed on streets or sidewalks.
- f. No Mobile Food Vendor shall provide dining services inside the mobile unit or on sidewalk tables and chairs.
- g. Grills, generators, or other items related to the mobile food vending operation shall be physically attached to the mobile unit.
- h. All motorized vehicles must abide by all existing traffic and parking regulations.
- i. Unless operating at a specific event, no Mobile Food Vendor shall be permitted to operate outside of the hours of 9:00am and 8:00pm.

j. Mobile Units shall apply to and be inspected by the Sparta Township Fire Marshall as required by applicable ordinance, statutes, codes and regulations.

k. Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.

l. If the Mobile Food Vendor is legally parked on a public road, the concession window must face away from the public road.

m. If attending a public event, the time of operation is limited to the duration of the event with additional, reasonable time for setup before the event and cleanup after the event.

Section 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

Section 5. Repealer

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 6. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on July 11, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on August 8, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on July 11, 2023. The same came up for final passage and adoption at a virtual meeting of the Township Council of the Township of Sparta, held on August 08, 2023 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

**AN ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING THE SALARY
ORDINANCE FOR “NON-UNION AND UNION” EMPLOYEES**

WHEREAS, the Township Council has determined that the salary guidelines should be amended in order to establish salary ranges for non-union and union employees.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Sparta in the County of Sussex, State of New Jersey as follows:

MAYOR AND COUNCIL

	<u>MINIMUM</u>	<u>MAXIMUM</u>
COUNCIL MEMBERS	\$3,000	\$7,500
MAYOR	\$3,500	\$8,000

MANAGEMENT, DIRECTORS, & DEPARTMENT HEADS

	<u>MINIMUM</u>	<u>MAXIMUM</u>
CHIEF FINANCIAL OFFICER	\$110,000	\$180,000
DEPUTY MANAGER	\$12,000	\$85,000
LIBRARY DIRECTOR	\$80,000	\$120,000
MUNICIPAL CLERK	\$60,000	\$100,000
MUNICIPAL COURT ADMINISTRATOR	\$60,000	\$100,000
MUNICIPAL DEPARTMENT HEAD	\$80,000	\$155,000
MUNICIPAL ENGINEER	\$80,000	\$120,000
MUNICIPAL MANAGER	\$140,000	\$225,000
POLICE CHIEF	\$135,000	\$225,000
RECREATION DIRECTOR	\$80,000	\$100,000

DIVISION HEADS

	<u>MINIMUM</u>	<u>MAXIMUM</u>
CONSTRUCTION OFFICIAL	\$85,000	\$120,000
TAX ASSESSOR	\$75,000	\$120,000
TAX COLLECTOR	\$65,000	\$100,000
MUNICIPAL JUDGE – P/T	\$40,000	\$60,000

OFFICE SUPPORT STAFF

	<u>MINIMUM</u>	<u>MAXIMUM</u>
ADMIN ASST. CLERK	\$50,000	\$75,000
ANIMAL CONTROL OFFICER	\$50,000	\$80,000
ASSESSING CLERK	\$50,000	70,000
ASSISTANT LIBRARY DIRECTOR	\$50,000	\$85,000
ASSISTANT MUNICIPAL CLERK	\$40,000	\$60,000
ASSISTANT MUNICIPAL TAX COLLECTOR	\$30,000	\$55,000
ASST. SUPERVISOR PUBLIC WORKS	\$60,000	\$88,000
ASST. SUPERVISOR WATER	\$60,000	\$77,000
BUILDING INSPECTOR	\$60,000	\$95,000
BLDG MAINT WORKER/MAINT REPAIRER	\$43,000	\$60,000
CLERK 1	\$30,000	\$50,000
CLERK 2	\$45,000	\$65,000
CODE ENFORCEMENT OFFICER	\$40,000	\$65,000
CODE ENFORCEMENT OFFICER MTG/ STIPEND	\$750	\$1,500
COMPUTER OPERATOR	\$25,000	\$80,000
CUSTODIAL WORKER	\$30,000	\$50,000
DEPUTY MUNICIPAL COURT ADMINISTRATOR	\$35,000	\$60,000
ELECTRICAL SUBCODE OFFICIAL	\$60,000	\$95,000

DIESEL MECHANIC	\$55,000	\$90,000
EQUIPMENT OPERATOR	\$60,000	\$82,000
GENERAL SUPERVISOR PUBLIC WORKS	\$70,000	\$124,000
LABORER 1	\$37,000	\$55,000
LABORER 2	\$56,000	\$65,000
LIBRARIAN 1	\$52,000	\$66,000
LIBRARIAN 2	\$66,000	\$85,000
LIBRARY ASSOCIATE	\$42,500	\$60,000
MAINTENANCE SUPERVISOR GROUNDS	\$70,000	\$113,000
MAINTENANCE WORKER 1 GROUNDS	\$40,000	\$64,000
MAINTENANCE WORKER 2 GROUNDS	\$45,000	\$74,000
MAINTENANCE WORKER 3 GROUNDS	\$50,000	\$88,000
MECHANIC	\$45,000	\$97,000
METER WORKER 1 /WATER METER REPAIR	\$45,000	\$70,000
MUNICIPAL REGISTRAR	\$45,000	\$55,000
MUNICIPAL TREASURER	\$65,000	\$95,000
OEM COORDINATOR STIPEND	\$2,500	\$10,000
OEM DEPUTY COORDINATOR STIPEND	\$2,500	\$7,500
PAYROLL CLERK	\$40,000	\$60,000
PLUMBING SUBCODE OFFICIAL	\$60,000	\$95,000
POLICE OFFICERS	\$45,000	\$150,000
POLICE CAPTAIN	\$140,000	\$200,000
POLICE LT.	\$130,000	\$160,000
POLICE SGT.	\$125,000	\$146,000
PRINCIPAL ACCOUNTING CLERK	\$45,000	\$75,000
PUBLIC SAFETY TELECOMMUNICATOR	\$45,000	\$100,000
QPA/PURCHASING AGENT	\$40,000	\$75,000
QPA/PURCHASING AGENT STIPEND	\$5,000	\$25,000
RADIO REPAIRER 1	\$30,000	\$70,000
RECREATION AIDE	\$25,000	\$45,000
RECREATION LEADER	\$40,000	\$60,000
RECREATION PROGRAM COORDINATOR	\$40,000	\$55,000
RECREATION PROGRAM SUPERVISOR	\$50,000	\$65,000
RECYCLING PROGRAM COORDINATOR	\$5,000	\$25,000
RECYCLING PROGRAM ASST./STIPEND	\$5,000	\$15,000
SECRETARY	\$45,000	\$90,000
SENIOR RADIO REPAIRER	\$50,000	\$80,000
SENIOR SEWER/WATER TREATMENT PLANT OPERATOR/REPAIRER	\$55,000	\$84,000
SEWER /WATER TREATMENT PLANT OPERATOR/REPAIRER	\$45,000	\$54,000
SEWER REPAIRER 1/WATER REPAIRER 1	\$45,000	\$70,000
SEWER REPAIRER 2/WATER REPAIRER 2	\$50,000	\$103,000
SEWER/WATER REPAIRER SUPERVISOR	\$70,000	\$100,000
SUPERVISING MECHANIC	\$55,000	\$106,000
TECHNICAL ASST. CONSTRUCTION OFFICIAL	\$40,000	\$60,000
TECHNICAL ASST. LAND USE	\$40,000	\$65,000
TECHNICAL ASST. LAND USE-MEETING STIPEND	\$5,000	\$7,500
TRUCK DRIVER	\$55,500	\$82,000
WATER REPAIRER 1	\$45,000	\$50,000
WATER REPAIRER 2	\$55,000	\$84,000

PART TIME-HOURLY

	<u>MINIMUM</u> <u>PER HOUR</u>	<u>MAXIMUM</u> <u>PER HOUR</u>
BUILDING INSPECTOR/CODE ENFORCEMENT	\$28	\$48
CAMP ASSISTANT DIRECTOR	\$15	\$25
CAMP DIRECTOR	\$15	\$30
CAMP COUNSELOR	\$15	\$20
CAMP INSTRUCTOR	\$15	\$20
CAMP SECTION LEADER	\$15	\$19
CASHIER	\$15	\$20
CLERK 1	\$15	\$29
DEPUTY MUNICIPAL COURT ADMIN	\$15	\$28
DPW SUMMER HELP	\$15	\$25
ENGINEER	\$75	\$175
EVENING SUPERVISOR	\$15	\$20
FIRE INSPECTOR	\$15	\$35
FIRE PROTECTION SUBCODE OFFICAL	\$20	\$45
PARKS SUMMER HELP	\$15	\$25
LIBRARY ASSISTANT	\$15	\$22
LIFEGUARD	\$15	\$20
PLUMBING SUBCODE OFFICIAL	\$28	\$48
PUBLIC SAFETY TELECOMMUNICATOR TRAINEE	\$15	\$23
PUBLIC SAFETY TELECOMMUNICATOR	\$17	\$30
RECREATION LEADER	\$15	\$25
RECREATION AIDE	\$15	\$20
RECREATION PROGRAM SPECIALIST	\$15	\$25
SNOW PLOWER	\$20	\$30
SPECIAL DUTY OFFICER	\$15	\$30
SUB SENIOR VAN DRIVER	\$15	\$25
VIOLATIONS CLERK	\$15	\$25
WATERFRONT DIRECTOR	\$15	\$20

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed at first reading at a meeting of the Township Council of the Township of Sparta held on Tuesday, August 8, 2023 at 7:00 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and will be considered for final passage at a meeting to be held on Tuesday, August 22, 2023 at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

**AN ORDINANCE REQUIRING THE INSTALLATION OF A
KEY BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE
SPARTA TOWNSHIP FIRE DEPARTMENT DURING AN EMERGENCY
OR ANY OTHER ACTION DEEMED NECESSARY BY THE
SPARTA TOWNSHIP FIRE DEPARTMENT**

WHEREAS, the health, safety, and welfare of the citizens of the Sparta Township (“Township”) are promoted by requiring certain structures to have a key box installed on the exterior of the structure to aid the Township Fire Department in gaining access to the structure when responding to calls for emergency service; and

WHEREAS, many buildings are equipped with automatic systems that may cause the Township Fire Department to be summoned at a time of emergency when the building or business is not occupied or when the occupant is not available to provide the Township Fire Department entry into the building; and

WHEREAS, the key box emergency access system will eliminate costly damage from forcible entry into buildings equipped with automatic systems by the Township Fire Department checking for fire or other dangerous conditions; and

WHEREAS, the Township Fire Department can reduce the potential for rapid expansion of fire and other hazardous conditions by quick access and decrease dangers for firefighters; and

WHEREAS, the key box emergency access system has been adopted by Section 506 of the International Fire Code 2015 , New Jersey Edition; and

WHEREAS, the key box emergency access system will operate on a controlled master key basis by the Township Fire Department; and

WHEREAS, the Township is authorized to pass this Ordinance pursuant to N.J.S.A. 40:48-2, and pursuant to the Township’s police powers.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Sparta in the County of Sussex and the State of New Jersey, that there should be created a Section of the Revised General Ordinances of the Township, entitled “Key Box Emergency Access System,” which shall provide as follows:

KEY BOX EMERGENCY ACCESS SYSTEM

Section I: Definitions

Automatic Dialer shall refer to a device that automatically dials and relays a prerecorded message to a central station or the fire department.

Automatic Fire Suppression System refers to a system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the National Fire Protection Association (NFPA) standards, which utilize water, foam, carbon dioxide, or other gas to automatically react to suppress fire.

Automatic Fire-Extinguishing System. An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

Automatic Smoke Detection System. A fire alarm system that has initiation devices that utilize smoke detectors for protection of an area such as a room or space with detectors to provide early warning of fire.

Automatic Sprinkler system. An automatic sprinkler system, for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. They system is usually activated by heat from a fire and discharges water or the fire area.

Fire Official shall refer to the Fire Chief or his/her designee.

Fire Code Official. The fire official or fire inspector certified by the Commissioner of the Department of Community Affairs and appointed or designated to direct the enforcement of the code by the appointing authority of a local enforcing agency.

Central Station. A central office, connected to remote alarm and supervisory signaling devices, where personnel is in attendance at all times to monitor the system activity and investigate signals. The central-station personnel take immediate and appropriate action upon receipt of an alarm signal.

Key – hard cut physical key; electronic locking keys e.g. fobs, key cards, etc.

Key Box. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency. This box is usually mounted on the exterior of the building in a location that is specified by the Fire Official and Construction Official.

Fire Department Master Key. A limited issue key of special or controlled design to be carried by fire department officials in command which will open key boxes on specified properties.

Standpipe System shall refer to a wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires.

Section II: Structures to Be Equipped with a Key Lock Box

Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, as same may be updated, amended or replaced, and shall contain keys to gain necessary access as required by the fire code official.

Unless otherwise determined in writing by the Fire Official, the following structures shall be equipped with a Key Lock Box of a type and size and at a location approved by the Fire Official and Construction Official:

- (a) All new commercial buildings shall be equipped with a Key Box prior to the issuance of the certificate of occupancy.
- (b) All existing commercial buildings constructing additions, major renovations, or changes of use that require Township Zoning or Planning Board approval, shall be equipped with a Key Box prior to the issuance of any necessary permits.
- (c) All existing commercial buildings with new occupancies by tenants shall be equipped with a Key Box prior to the issuance of a Certificate of Continued Occupancy.
- (d) Each building protected by an automatic fire suppression and/or standpipe system and not manned 24 hours a day, 7 days a week.

- (e) Each building protected by an automatic fire alarm system (automatic dialer, central station, external audible/visual alarm) and not manned 24 hours a day, 7 days a week.
- (f) Multi-family residential structures that have restricted access through locked doors but have a common corridor for access to the living units, including but not limited to condominium buildings.
- (g) Schools, whether public or private.
- (h) Governmental structures and nursing care facilities, unless the building is staffed or open 24 hours a day, 7 days a week.
- (i) Driveways to structures defined above with controlled access (fences, gates, etc) shall have a Key Box installed at the gate to facilitate entry in to the property.

Section III: Key Box Contents

The property owner is required at all times to keep a key(s) in the Key Box that will allow access to the structure. The Key Box shall contain, but not be limited to, the following items as designated by the Fire Official:

- (a) Labeled keys to locked points of ingress and egress, whether in interior or exterior of such buildings;
- (b) Labeled keys to the locked mechanical rooms;
- (c) Labeled keys to locked elevator rooms and controls;
- (d) Labeled keys to any fence or secured areas;
- (e) Labeled keys to areas of the building where fire alarm panels and fire protection systems are located;
- (f) Labeled keys and access codes to any other areas that may be required by the Fire Official;
- (g) A card containing the emergency contact names and phone numbers for such buildings;
- (h) Floor plans of the rooms within the building showing locations of shut-offs;
- (i) Hazardous materials information; and
- (j) An inventory of the keys.

- (k) Fire protection system reset codes and written instructions

The property owner shall notify the Township Fire Department when any or all of the locks or keys have been changed and shall keep the immediate area of the Key Box free and clear of any and all obstructions.

Key Box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the Key Box.

Section IV: Registration and Installation of Key Lock Boxes

The property owner shall apply for a registration for a Key Box on forms provided by and obtained from the Fire Official. A registration is required prior to the installation of a Key Box in order to verify the proper size, mounting location and installation of said Key Box. The Key Box shall be installed at a location approved by the Fire Official and the Construction Official. No Key Box shall be installed, voluntarily or otherwise, without first obtaining the approval of the Fire Official and the Construction Official. The property owner shall be responsible for the cost to purchase, install, and maintain the Key Box.

Section V: Compliance

All existing buildings required to have a Key Box shall comply with this Ordinance one (1) year from its effective date. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply immediately upon passage of this Ordinance. In any event, the owner of any structure in the Township shall comply with this ordinance within sixty (60) days from receipt of written notice from the Fire Official. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be borne by the property owner.

Section VI: Penalties

Any property owner that fails to comply with this Ordinance shall be subject to the penalties and dedicated penalties as provided for under the New Jersey Fire Code, N.J.A.C. 5:70-2.12 and N.J.A.C. 5:70-2.12A.

Section VII. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

Section VIII. Repealer

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section IX. Effective Date

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on **August 8, 2023**, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on **August 22, 2023** at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

Roxanne Landy, RMC, CMR, Township Clerk