

**HARDYSTON TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE 2021-12**

**AN ORDINANCE TO REVISE THE DEFINITION OF QUARRYING AS SET FORTH
IN SECTION 3, DEFINITIONS, OF CHAPTER 138, QUARRYING AND AMEND
SECTION 26, HOURS OF OPERATION, OF CHAPTER 138, QUARRYING OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON**

WHEREAS, the Governing Body has reviewed and determined that the Quarrying Ordinance addressing hours of operation provision set forth at Article II, Section 26 of Chapter 138 needs to be further clarified to encapsulate the intent of quarrying activities that are permitted to begin at 7:00 a.m.; and

WHEREAS, it has been determined by the Governing Body that the definition of “quarrying” as set forth in Article I, Section 3 of Chapter 138 addressing quarry operations needs to be expanded to align with the intent of the preceding paragraph;

NOW, THEREFORE, BE IT ORDAINED by the Township Mayor and Council of the Township of Hardyston as follows:

Section 1. Chapter 138, Quarrying, Section 26, Hours of Operation of the aforesaid Revised General Ordinances is hereby repealed and replaced as follows:

§ 138-26 Hours of operation.

A. Quarrying activities as defined by § 138-3 shall be conducted only from Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. except when approved by the governing body of the Township of Hardyston. Applications for limited expansion of these hours during emergencies or other extraordinary projects shall be submitted to the Township Engineer thirty days in advance of the anticipated date the exception to the hours of operation are requested and proposed to begin when practicable. Said request shall be reviewed by the Township Engineer with input from the Township Manager. Approval for said request shall be ratified at the next meeting of the Township Council. Access to the site by customers of the quarry shall be limited to the permitted hours of operation. There shall be no operation of any kind or character on Sundays, except in emergencies authorized by the Township Council. Blasting shall occur only in a manner permitted by state law and regulations.

B. Notwithstanding the foregoing, quarry operations that exit directly to a state highway may be permitted to operate scales and load trucks beginning at 6:30 a.m. Furthermore, trucks loaded the preceding day shall be permitted to leave the premises any time after 6:00 a.m. when directly exiting to a State Highway.

Section 2. Chapter 138, Quarrying, Section 3, Definitions of the aforesaid Revised General Ordinances is hereby amended and supplemented as follows:

Quarrying Activity

The excavation of consolidated material. The crushing, washing or grading of such material on site. The transport, loading, or hauling of material for on-site processing. The transport, loading or weighing of finished products.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5. This Ordinance may be renumbered for codification purposes.

Section 6. This Ordinance shall take effect after publication and passage according to law.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Hardyston, in the County of Sussex, New Jersey, held on November 10, 2021. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey on December 8, 2021 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk