

DELAWARE TOWNSHIP  
ORDINANCE #2012-17  
QUARRY ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI, LICENSING, OF QUARRYING OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DELAWARE. TO, AMONG OTHER THINGS, ESTABLISH NEW REQUIREMENTS FOR THE LICENSING OF QUARRIES. #2012-17

BE IT ORDAINED by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey as follows:

**Section 1.** Chapter XI LICENSING OF QUARRYING of the Revised General Ordinances of The Township of Delaware shall be deleted in its entirety and replaced as follows:

**CHAPTER XI**

**LICENSING OF QUARRYING**

**11-1 PURPOSE.**

It is the intent of this Chapter to license and regulate quarries for the protection of persons and property and for the preservation of the public health, safety and welfare of the Township and its inhabitants and to ensure that quarrying operations shall be conducted in such manner as to create a minimum of annoyance from noise and dust to nearby owners or occupants of property, provide for the safety of persons, particularly children, protect the environment and natural resources, and ensure that the quarried area shall be safely and reasonably rehabilitated for alternative use after quarrying operations have been completed or otherwise terminated.

**11-2 DEFINITIONS.**

As used in this chapter:

- a. "MLUL" shall mean the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, as may be amended from time to time.
- b. "Operator" shall mean any person engaged in and controlling the business of conducting a quarry.
- c. "Owner" shall mean the legal owner of the quarry property.
- d. "Planning Board" shall mean the Delaware Township Planning Board.

e. "Quarry" shall mean a place where stone, shale, slate, bank run material, sand or gravel is commercially excavated, removed, crushed, washed, graded or otherwise processed.

f. "Quarry boundaries" shall be the boundary lines of the premises licensed under this chapter.

g. "Quarrying" shall mean those aspects of the business of conducting a quarry as relate directly to the excavation and processing of stone, shale, slate, bank run material, sand or gravel, and the removal thereof from quarry property and other related activities.

h. "Quarry property" shall mean all lots used for quarrying. If any portion of a lot is used for quarrying, the lot in its entirety shall be deemed "quarry property."

i. "Reclamation" shall mean the reconditioning of the area of land affected by quarrying operations to restore same to a productive use after termination of quarrying operations consistent with the master plan adopted by the Planning Board.

j. "Reclamation Plan" shall mean a written proposal approved by the Planning Board for reclamation of the area of land affected by quarrying operations, including land use objectives, specifications for grading, manner and type of vegetation, such safety devices as shall be used at the site, and such maps and other supporting documents as may be required by the Planning Board; the plan shall be signed and sealed by a licensed professional engineer and land surveyor licensed in the State of New Jersey, unless otherwise provided by statute.

### **11-3 LICENSE REQUIRED.**

It shall be unlawful for any person to conduct the business of quarrying within the Township without first having obtained a license therefor in accordance with this Chapter.

### **11-4 APPLICATION FOR QUARRY LICENSE.**

Applications for licenses required by this Chapter shall be made upon forms provided by the Township Clerk and shall be signed by the applicant, setting forth or accompanied by the following information.

The original application along with two copies, including all information required in this Section, shall be submitted to the Township Clerk by January 31<sup>st</sup> of the calendar year the current license will expire or 180 days prior to the anticipated start of operations for initial applications. Upon approval, the Quarry License shall be valid for a ten-year period.

Any change in the ownership or the operator of an existing licensed premises will require submittal of an initial license application unless the new owner and/or operator of the quarry certifies that no changes in the terms and conditions of the then current license are sought, and that the quarry will continue to be operated in accordance with all of the terms and conditions of the current license for the premises. For purposes of this subsection, it shall not be considered a "change in the ownership" of a quarry if the controlling ownership interest therein does not change.

**(i) Initial License**

a. The name and address of the applicant, if an individual; the name, residence and business address of each partner, if a partnership; the name, date and state under which organized, if a corporation, and if a foreign corporation, whether the same is authorized to do business in the State of New Jersey. A corporate applicant shall also indicate the names of directors, principal officers and local representatives, their residences and business addresses, and designation of a person upon whom service of process can be made. In the event the applicant is not the owner, a written consent of the owner must be furnished together with a copy of the quarry lease, agreement, or permit from the owner to the applicant. All applicants shall consent to entry upon the premises by the quarry inspector for the purpose of inspection.

b. A legal description of the quarry property, including copies of the deed(s), where the business is to be conducted.

c. Maps, as described below. The maps required by this paragraph may be included in the reclamation plan required by Section 11-5. Required maps include the following:

1. An index map showing the quarry property and its general relation to the surrounding areas at the scale of one inch equals not less than 500 feet.

2. A plot plan of the quarry property, prepared, signed and sealed by an engineer or land surveyor licensed in the State of New Jersey, showing the entire quarry property and other properties at least 200 feet therefrom, and including the following:

(a) The plot plan shall be at a scale of one inch equals 100 feet. If a larger scale is required to show specific areas and details, supplemental maps shall be included at a larger scale, consistent on all of the additional maps. If one sheet is not sufficient to contain the entire property and surrounding area as required by this paragraph, the map shall be divided into sections, and shown on separate sheets of equal size, with a basic index map and references on each sheet to the adjoining sheets.

(b) Title block showing:

(i) Name of quarry, municipality and county,

(ii) Name and address of operation,

(iii) Scale

(iv) Date and initials of preparation, and

(v) Name, address, signature and license number of the preparers.

(c) Graphic bar scale.

(d) Revision box, showing date and initials for each revision.

(e) All boundary lines with lengths of courses to 100ths of a foot and bearing to one half minute, with the error of closure not to exceed one to 10,000. The boundary lines shall be in the New Jersey State Plane Coordinate System, NAD 83, and shall show True and Magnetic North Arrows.

- (f) Any municipal boundaries and the names of adjoining municipalities within 200 feet of the quarry property.
- (g) Zone boundaries on the quarry property and other property within 200 feet of the quarry property.
- (h) Existing block and lot number(s) of the quarry property as they appear on the most recent Township Tax Map. The boundary lines of any leased premises, if such premises are only a portion of the entire tract of the owner.
- (i) Acreage of each quarry property lot to the nearest tenth of an acre, as well as the total acreage held in all of the quarry properties.
- (j) Block and lot numbers and names and addresses of the owners of record of all adjacent properties within 200 feet as shown on the most recent tax list prepared by the Tax Assessor.
- (k) The names, locations and widths of all existing, proposed, or recorded streets, roads, buildings, railroads, railroad right-of-way, high voltage utility poles, high tension towers, bridges, culverts, watercourses, and drainage rights-of-way intersecting the quarry property or within 200 feet of the quarry property as shown on the most recent Township Tax Map.
- (l) All easements or rights-of-way, whether public or private, on the quarry property and within 200 feet of the quarry property as shown on the most recent Township Tax Map. The purpose of the easements or rights-of-way as reflected in the legal instruments establishing the easements or right-of-ways shall be stated.
- (m) The location of the 50-foot setback lines from the boundaries of the quarry property and the location from the setback lines of any quarried rock slopes, any buildings, equipment, quarry-products or other material erected or stored on the quarry -property.
- (n) The location of all wooded areas and existing and proposed buffer areas within the quarry property. Designation of any vegetation, including trees, to be altered or removed during the upcoming license period shall be indicated along with the reason.
- (o) Existing topographic contours, including all slopes and benches within the quarry property (all elevations shall be based upon USC&GS data):
  - (i) At two-foot intervals for slopes of less than 30% (with contours highlighted at ten-foot) and,

(ii) At ten-foot intervals for slopes of greater than 30% (with contours highlighted at fifty-foot intervals).

(p) Location of places on the quarry property where quarrying is to be conducted during the upcoming license period.

(q) The anticipated ultimate limits of the quarry operation.

(r) Proposed final ultimate contours of the land involved and adjoining lands.

(s) Location of all actual or proposed stream encroachments and crossings, watercourses, drainage patterns, culverts, bridges, and detention ponds within the quarry property.

(t) Location of all existing structures and their uses within the quarry property.

(u) Location of all internal roadways, railroads, railroad right-of-ways, parking areas showing parking bays, aisles, and driveways, high tension utility poles, and high tension towers within the quarry property.

(v) Location of all loading areas showing size and access within the quarry property.

(w) Location of all existing fencing, fencing planned to be constructed during the upcoming license period, and future fencing and buildings within the quarry property.

(x) Location, direction of illumination, power, and type of exterior lighting, including when the lighting will be used within the quarry property.

(y) All means of vehicular ingress and egress to and from the quarry property onto public streets, showing the design and location of driveways and curb cuts, including any necessary devices to prevent a hazardous traffic situation.

d. Information describing roads and bridges to be used for access to the quarry, including a description of the adequacy of those roads for heavy truck traffic and any limitations that there might be with respect to the adequacy of pavement, road shoulders, bridges, and culverts; however, if the roads and bridges are state or county roads, such descriptive information need not be provided.

e. A copy of each restrictive covenant of every nature, easement or interest of third parties, existing by deed or otherwise, affecting the quarry property.

f. Where the proposed quarrying operations involve any stream encroachment or stream crossing during the upcoming license period, a description and location of any

encroachments or stream crossings shall be indicated along with the anticipated date of application to the regulatory agencies.

g. An aerial photo of the quarry property, in sufficient detail to clearly show the perimeter of quarried areas, benches, improvements, stockpiled materials, internal roadways, portable equipment, parking areas, and other major features. The quarry boundaries, buffer zones, and property limits shall be marked.

h. A statement confirming that the most recently approved reclamation plan is still valid, and that operations during the upcoming license period will be compatible with it.

i. A narrative describing the method of operation and the equipment to be used in the operation and any anticipated changes in the location and type of equipment (crushers or screening units).

j. The nature, location and phasing, including an estimated schedule for installation, of a screening plan to minimize the visibility of quarry operations to neighboring residents and persons utilizing adjacent roadways. The screening plan may be shown in the reclamation plan required by Section 11-5. The owner or operator shall provide and/or maintain effective visual screening of the quarry operation. In those areas of the quarry where fully effective visual screening is not feasible, the owner or operator shall make every reasonable effort through screening to minimize the visual impact of quarry operations to neighboring residents. The design for such screening/buffer strip shall utilize existing land contours, artificially created berms, natural vegetation on site and plant material not presently on site, all of the above to be supplied and/or maintained by the owner or operator. Elements of the screening, buffer strip design to be submitted shall be as follows:

1. In those areas where natural contours of the land provide effective visual screening, the design shall generally describe existing plant material, augmented by the planting of evergreen trees to provide four season visual and noise barriers, and, if necessary, indicate methods of preventing erosion through planting of ground cover material.

2. In those areas where existing land contours do not in themselves provide adequate screening, the design shall indicate the use of berms with plantings, including evergreen trees, to provide effective visual and noise screening; or, where effective visual screening is not feasible, to minimize the visual impact of quarry operations.

k. An Environmental Impact Statement shall be submitted covering in detail the following areas:

1. Description of the operation broken down by activity, the hours of operation of each activity and personnel and equipment required for each operation, including but not limited to:

- (a) Blasting;
- (b) Crushing;
- (c) Operation of quarry owned or operated vehicles on-site;
- (d) Operation of asphalt plants;

- (e) Operation of recycling operation;
- (f) Operation of loading trucks; and
- (g) Maintenance operations.

2. Total traffic generated by the site, including but not limited to passenger vehicles and truck arrivals and departures, all by the time of day and points in ingress and egress.

3. A report prepared by a qualified expert that the noise limits as established by law are not exceeded, including a complete detailed report of all efforts being taken to reduce both the noise and vibration created by blasting and related quarrying operations.

4. Methods and quantitative analysis to ensure that dust limits established by law are met, including a complete detailed report of all sources of dust from quarrying and a plan to control dust using the best available practices and best available technology, including a description of how dust emanating from stockpiles, roads, equipment, operations of vehicles, blasting and other sources of dust will be controlled. The plan must demonstrate that the quarry has made all reasonable efforts to prevent or minimize the escape of fugitive dust particles from the property. Copies of the approved Dust Control Plan required by the State's NJPDES Permitting Program and the Dust Management Plan required by the State's Air Permitting Program may be submitted to satisfy this requirement.

5. Documentary confirmation that quarrying operations are consistent with State regulations concerning water quality and quantity, including for all streams, watercourses and wetlands on the quarry property, and a description of efforts being taken to provide that water quality will not be polluted or degraded and are protected from pollution, siltation and environmentally unacceptable runoff. A copy of the Stormwater Pollution Prevention Plan required by the State's NJPDES Permitting program may be submitted to satisfy this requirement.

6. Methods, including plans, to ensure that erosion will not occur and that sediment will not be transported by storm water runoff. Copies of the approved Soil Erosion and Sediment Control Plan required by the County and the Stormwater Pollution Prevention Plan required by the State's NJPDES Permitting Program may be submitted to satisfy this requirement.

7. A report from a licensed professional engineer that quarrying operations are consistent with State regulations concerning air emissions and a description of efforts being taken to provide that air pollution from quarry operations will be minimized and that no adverse environmental impacts to the quarry property or adjacent property will occur. A copy of the approved Emissions Monitoring Plan required by the State's Air Permitting Program may be submitted to satisfy this requirement.

8. A full description of on-site changes anticipated during the upcoming license period on a site plan with a description in narrative form describing quarrying and the incidental activities associated therewith and any reclamation activities.

9. A report on the licensee's activities since the last license application on means undertaken by licensee to reduce noise, dust, traffic or other environmental impacts from quarrying or quarrying-related activities upon the public and properties within 200 feet of the quarry.

10. A copy of all required permit approvals issued by any state, county or local regulatory agency for the quarry operations shall be submitted. In addition, if additional permit approvals will be required during the upcoming license period then a description of this shall be indicated and a copy of permit applications shall be submitted.

l. The quarry's normal hours of operation, consistent with this Chapter.

m. The number of blasts tentatively anticipated during the license year and their approximate scheduling.

n. Applicant shall provide proof of insurance, evidencing comprehensive coverage (on and off-site coverage), including the acts of independent sub-contractors or agents, including limits, coverage, and terms, not less than outlined below.

1. Comprehensive General Liability – Coverage to be provided including all premises, operations, products/completed operations, Broad-Form Property Damage, Personal Injury, Coverage for Explosion, Collapse, and Underground (“XCU” to be included), Limits of Liability for Property Damage and Bodily Injury in the amount of \$1,000,000 per occurrence and \$2,000,000 annual aggregate. The coverage is to be endorsed to include per project and per location aggregate extension, and an endorsement adding the Township of Delaware as an Additional Insured.

2. Automobile Liability providing coverage for “Any Auto” that is or could be the responsibility of the applicant. Coverage shall provide for the inclusion of a Contractual Liability endorsement. Limits of Liability for Property Damage and Bodily Injury in the amount of \$1,000,000 each occurrence.

3. Workers Compensation Coverage to provide coverage for all workers of applicant, providing statutory coverage as required by the State of New Jersey. Employers Liability limits of not less than \$500,000 each Accident, \$500,000 Disease Policy Limit, and \$500,000 Disease each Employee.

4. Umbrella Excess Liability – Coverage to provide a follow form endorsement providing excess liability limits over items 1., 2, and 3. above. Limits of Liability for Property Damage and Bodily Injury in the amount of \$5,000,000 per occurrence and \$5,000,000 annual aggregate. The coverage is to be endorsed to include per project and per location aggregate extension, and an endorsement adding the Township of Delaware as an Additional Insured.

5. General Conditions:

(a) All coverage must be provided by companies licensed to do business in the state of New Jersey, with a minimum rating equivalent to an A.M. Best Rating of A-.

(b) All policies above shall provide for a waiver of subrogation in favor of the Township of Delaware.

(c) All carriers shall agree to notify the Township of Delaware, in no less than 10 days, of any change of the policies.

o. Information describing all written or electronic email complaints of which the applicant has knowledge filed with the applicant or the New Jersey Department of Labor as to quarry operations during the preceding license year. The applicant shall indicate all actions taken in response to these complaints, including the outcome of any insurance claims. In addition, information describing any permit violations or enforcement documents issued by any state, county or local regulatory agency for the quarry operations shall be submitted along with the actions taken to correct any violations.

p. Certification of proof from the Township Tax Collector that no taxes or assessments for local improvements are due or delinquent on the quarry property, or any portion thereof.

**(ii) Renewal License**

Applications for the renewal of any license required by this Chapter shall be made on a Renewal Application Form. The Renewal Application shall contain all information required in this paragraph. The Renewal Application may include copies of documents submitted in connection with earlier applications provided the information is still current and valid. The Renewal Application shall also contain the information required under Section 11-8 concerning reclamation activity, if any, expected to be completed during the upcoming license period, and the performance bond (Section 11-9), if required. When the license is to be renewed for a year during which the Township advises the applicant that the Township intends a comprehensive re-examination of its Master Plan, the applicant shall also submit twelve copies of its reclamation plan (Section 11-5) with its Renewal Application.

a. The name and address of the applicant, if an individual; the name, residence and business address of each partner, if a partnership; the name, date and state under which organized, if a corporation, and if a foreign corporation, whether the same is authorized to do business in the State of New Jersey. A corporate applicant shall also indicate the names of directors, principal officers and local representatives, their residences and business addresses, and designation of a person upon whom service of process can be made. In the event the applicant is not the owner, a written consent of the owner must be furnished together with a copy of the quarry lease, agreement, or permit from the owner to the applicant. All applicants shall consent to entry upon the premises by the quarry inspector for the purpose of inspection.

b. A legal description of the premises, including copies of the deed(s), where the business is to be conducted.

c. Maps, as described below. The maps required by this paragraph may be included in the reclamation plan required by Section 11-5. Required maps include the following:

1. An index map showing the quarry property and its general relation to the surrounding areas at the scale of one inch equals not less than 500 feet.

2. A plot plan of the quarry property, prepared, signed and sealed by an engineer or land surveyor licensed in the State of New Jersey, showing the entire tract and at least 200 feet therefrom and including the following:

(a) The plot plan shall be at a scale of one inch equals 100 feet. If a larger scale is required to show specific areas and details, supplemental maps shall be included at a larger scale, consistent on all of the additional maps. If one sheet is not sufficient to contain the entire property and surrounding area as required by this paragraph, the map shall be divided into sections, and shown on separate sheets of equal size, with a basic index map and references on each sheet to the adjoining sheets.

(b) Title block showing:

(i) Name of quarry, municipality and county,

(ii) Name and address of operation,

(iii) Scale

(iv) Date and initials of preparation, and

(v) Name, address, signature and license number of the preparers.

(c) Graphic bar scale.

(d) Revision box, showing date and initials for each revision.

(e) All boundary lines with lengths of courses to 100ths of a foot and bearing to one half minute, with the error of closure not to exceed one to 10,000. The boundary lines shall be in the New Jersey State Plane Coordinate System, NAD 83, and shall show True and Magnetic North Arrows.

(f) Any municipal boundaries and the names of adjoining municipalities within 200 feet of the quarry property.

(g) Zone boundaries on the quarry property and within 200 feet.

(h) Existing block and lot number(s) of the quarry property as they appear on the most recent Municipal Tax Map. The boundary lines of any leased premises, if such premises are only a portion of the entire tract of the owner.

- (i) Acreage of each quarry property lot to the nearest tenth of an acre, as well as the total acreage held in all of the quarry properties.
- (j) Block and lot numbers and names and addresses of the owners of record of all adjacent properties within 200 feet as shown on the most recent tax list prepared by the Tax Assessor.
- (k) The names, locations and widths of all existing, proposed, or recorded streets, roads, buildings, railroads, railroad right-of-way, high voltage utility poles, high tension towers, bridges, culverts, watercourses, and drainage rights-of-way intersecting the quarry property or within 200 feet of the quarry property as shown on the most recent Municipal Tax Map.
- (l) All easements or rights-of-way, whether public or private, on the quarry property and within 200 feet of the quarry property as shown on the most recent Municipal Tax Map. The purpose of the easements or rights-of-way as reflected in the legal instruments establishing the easements or right-of-ways shall be stated.
- (m) The location of the 50-foot setback lines from the boundaries of the quarry property and the location from the setback lines of any quarried rock slopes, any buildings, equipment, quarry-products or other material erected or stored on the quarry property.
- (n) The location of all wooded areas and existing and proposed buffer areas within the quarry property. Designation of any vegetation, including trees, to be altered or removed during the upcoming license period shall be indicated along with the reason.
- (o) Existing topographic contours, including all slopes and benches within the area that has been quarried (all elevations shall be based upon USC&GS data):
  - (i) At two-foot intervals for slopes of less than 30% (with contours highlighted at ten-foot) and,
  - (ii) At ten-foot intervals for slopes of greater than 30% (with contours highlighted at fifty-foot intervals).
- (p) Location of places on the quarry property where quarrying is to be conducted during the upcoming license period.
- (q) The anticipated ultimate limits of the quarry operation.
- (r) Proposed final ultimate contours of the land involved and adjoining lands.

(s) Location of all actual or proposed stream encroachments and crossings, watercourses, drainage patterns, culverts, bridges, and detention ponds within the quarry property.

(t) Location of all existing structures and their uses within the quarry property.

(u) Location of all internal roadways, railroads, railroad right-of-ways, parking areas showing parking bays, aisles and driveways, high tension utility poles, and high tension towers within the quarry property.

(v) Location of all loading areas showing size and access within the quarry property.

(w) Location of all existing fencing, fencing planned to be constructed during the upcoming license period, and future fencing and buildings within the quarry property.

(x) Location, direction of illumination, power, and type of exterior lighting, including when the lighting will be used within the quarry property.

(y) All means of vehicular ingress and egress to and from the quarry property onto public streets, showing the design and location of driveways and curb cuts, including any necessary devices to prevent a hazardous traffic situation.

d. Information describing roads and bridges to be used for access to the site, including a description of the adequacy of those roads for heavy truck traffic and any limitations that there might be with respect to the adequacy of pavement, road shoulders, bridges, and culverts; however, if the roads and bridges are state or county roads, such descriptive information need not be provided.

e. A copy of each restrictive covenant of every nature, easement or interest of third parties, existing by deed or otherwise, affecting the quarry property.

f. Where the proposed quarrying operations involve any stream encroachment or stream crossing during the upcoming license period, a description and location of any encroachments or stream crossings shall be indicated along with the anticipated date of application to the regulatory agencies.

g. An aerial photo of the quarry property, in sufficient detail to clearly show the perimeter of quarried areas, benches, improvements, stockpiled materials, internal roadways, portable equipment, parking areas, and other major features. The quarry boundaries, buffer zones, and property limits shall be marked.

h. A statement confirming that the most recently approved reclamation plan is still valid, and that operations during the upcoming license period will be compatible with it.

i A narrative describing the method of operation and the equipment to be used in the operation and any anticipated changes in the location or type of equipment (crushers or screening units) from the last license application.

j. The nature, location and phasing, including an estimated schedule for installation, of a screening plan to minimize the visibility of quarry operations to neighboring residents and persons utilizing adjacent roadways. The screening plan may be shown in the reclamation plan required by Section 11-5. The owner or operator shall provide and/or maintain effective visual screening of the quarry operation. In those areas of the quarry where fully effective visual screening is not feasible, the owner or operator shall make every reasonable effort through screening to minimize the visual impact of quarry operations to neighboring residents. The design for such screening/buffer strip shall utilize existing land contours, artificially created berms, natural vegetation on site and plant material not presently on site, all of the above to be supplied and/or maintained by the owner or operator. Elements of the screening, buffer strip design to be submitted shall be as follows:

1. In those areas where natural contours of the land provide effective visual screening, the design shall generally describe existing plant material, augmented by the planting of evergreen trees to provide four season visual and noise barriers, and, if necessary, indicate methods of preventing erosion through planting of ground cover material.

2. In those areas where existing land contours do not in themselves provide adequate screening, the design shall indicate the use of berms with plantings, including evergreen trees, to provide effective visual and noise screening; or, where effective visual screening is not feasible, to minimize the visual impact of quarry operations.

k. An Environmental Impact Statement shall be submitted covering in detail the following areas:

1. Methods and quantitative analysis to ensure that dust limits established by law are met, including a complete detailed report of all sources of dust from quarrying and a plan to control dust using the best available practices and best available technology, including a description of how dust emanating from stockpiles, roads, equipment, operations of vehicles, blasting and other sources of dust will be controlled. The plan must demonstrate that the quarry has made all reasonable efforts to prevent or minimize the escape of fugitive dust particles from the property. Copies of the approved Dust Control Plan required by the State's NJPDES Permitting Program and the Dust Management Plan required by the State's Air Permitting Program may be submitted to satisfy this requirement.

2. Documentary confirmation that quarrying operations are consistent with State regulations concerning water quality and quantity, including for all streams, watercourses and wetlands on the quarry property, and a description of efforts being taken to provide that water quality will not be polluted or degraded and are protected from pollution, siltation and environmentally unacceptable runoff. A copy of the Stormwater Pollution Prevention Plan required by the State's NJPDES Permitting program may be submitted to satisfy this requirement.

3. Methods, including plans, to ensure that erosion will not occur and that sediment will not be transported by storm water runoff. Copies of the approved Soil Erosion and Sediment Control Plan required by the County and the Stormwater Pollution Prevention Plan required by the State's NJPDES Permitting Program may be submitted to satisfy this requirement.

4. A report from a licensed professional engineer that quarrying operations are consistent with State regulations concerning air emissions and a description of efforts being taken to provide that air pollution from quarry operations will be minimized and that no adverse environmental impacts to the quarry property or adjacent property will occur. A copy of the approved Emissions Monitoring Plan required by the State's Air Permitting Program may be submitted to satisfy this requirement.

5. A full description of on-site changes anticipated during the upcoming license renewal period on a site plan with a description in narrative form describing quarrying and the incidental activities associated therewith and any reclamation activities.

6. A report on the licensee's activities since the last license application on means undertaken by licensee to reduce noise, dust, traffic or other environmental impacts that quarrying and quarrying-related activities may have on the public and properties within 200 feet of the quarry.

7. A copy of all required permit approvals issued by any state, county or local regulatory agency for the quarry operations shall be submitted. In addition, if additional permit approvals will be required during the upcoming license period then a description of this shall be indicated and a copy of permit applications shall be submitted.

l. The hours during which the quarry normally will be operated consistent with this Chapter.

m. The number of blasts tentatively anticipated during the license year and their approximate scheduling.

n. Applicant shall provide proof of insurance, evidencing comprehensive coverage (on and off-site coverage), including the acts of independent sub-contractors or agents, including limits, coverage, and terms, not less than outlined below.

1. Comprehensive General Liability – Coverage to be provided including all premises, operations, products/completed operations, Broad-Form Property Damage, Personal Injury, Coverage for Explosion, Collapse, and Underground (“XCU” to be included), Limits of Liability for Property Damage and Bodily Injury in the amount of \$1,000,000 per occurrence and \$2,000,000 annual aggregate. The coverage is to be endorsed to include per project and per location aggregate extension, and an endorsement adding the Township of Delaware as an Additional Insured.

2. Automobile Liability providing coverage for “Any Auto” that is or could be the responsibility of the applicant. Coverage shall provide for the inclusion of a Contractual Liability endorsement. Limits of Liability for Property Damage and Bodily Injury in the amount of \$1,000,000 each occurrence.

3. Workers Compensation Coverage to provide coverage for all workers of applicant, providing statutory coverage as required by the State of New Jersey. Employers Liability limits of not less than \$500,000 each Accident, \$500,000 Disease Policy Limit, and \$500,000 Disease each Employee.

4. Umbrella Excess Liability – Coverage to provide a follow form endorsement providing excess liability limits over items 1., 2, and 3. above. Limits of Liability for Property Damage and Bodily Injury in the amount of \$5,000,000 per occurrence and \$5,000,000 annual aggregate. The coverage is to be endorsed to include per project and per location aggregate extension, and an endorsement adding the Township of Delaware as an Additional Insured.

5. General Conditions:

(a) All coverage must be provided by companies licensed to do business in the state of New Jersey, with a minimum rating equivalent to an A.M. Best Rating of A-.

(b) All policies above shall provide for a waiver of subrogation in favor of the Township of Delaware.

(c) All carriers shall agree to notify the Township of Delaware, in no less than 10 days, of any change of the policies.

o. Information describing all written or electronic email complaints of which the applicant has knowledge filed with the applicant or the New Jersey Department of Labor as to quarry operations during the preceding license year. The applicant shall indicate all actions taken in response to these complaints, including the outcome of any insurance claims. In addition, information describing any permit violations or enforcement documents issued by any state, county or local regulatory agency for the quarry operations shall be submitted along with the actions taken to correct any violations.

p. Certification of proof from the Township Tax Collector that no taxes or assessments for local improvements are due or delinquent on the quarry property, or any portion thereof.

#### **11-5 RECLAMATION OF THE SITE.**

Prior to approval of any Initial License or when the license is to be renewed during a period that will encompass a year in which the Township intends a comprehensive re-examination of its Master Plan, and has so advised the applicant, the applicant all submit a

Renewal application including a plan for reclamation of the site, to the Township Clerk. This plan, which shall include all information required under Section 11-4, shall show the ultimate plans for the quarry site after quarrying operations have terminated. It shall contain the following minimal provisions for the safety of the public and for the preservation of land values, both of the quarry site and of surrounding areas. It shall also indicate measures to be taken during the quarrying operations which will progressively fulfill these provisions and the overall reclamation plan:

a. The material involved in all ultimate slopes shall be stabilized, and no ultimate slope shall exceed the angle of repose for the material(s) of which it is comprised. Ultimate rock quarry faces may be sloped in excess of forty-five (45) degrees if the following four (4) conditions are met:

1. The slopes are benched with benches no less than twenty (20) feet in width and at heights which the Planning Board finds will provide sufficiently safe conditions unless the State has approved a variance from these standards;

2. Competent engineering evidence is produced to show that the material(s) in the face will remain stable at such ultimate angle;

3. No portion of any slope shall be less than thirty (30) degrees from the vertical unless the state has approved a variance from this standard; and

4. A statement of safety precautions to be provided relative to such slopes is submitted and found sufficient by the Planning Board.

b. All ultimate slopes and benches shall be drained in such manner as to minimize the chances of erosion or sedimentation and all ultimate slopes and benches shall be planted with rootable plant ground cover material in sufficient number and size to prevent erosion and sedimentation. Adequate access ways shall be provided to all benches.

c. The top of all ultimate slopes shall set back a minimum of fifty (50) feet from property lines of the licensed premises.

d. Arable soil capable of supporting vegetation shall be retained or brought upon the premises in sufficient quantity to be distributed to a minimum depth of four (4) inches over those portions of the premises which the reclamation plan required to be covered with such arable soil.

e. To the extent practicable, the area where quarrying operations has already occurred on the site shall be reclaimed prior to the opening of a new on-site quarrying area, and reclamation procedures shall be carried on concurrently with quarrying operations.

f. Adequate drainage shall exist both during quarrying operations and after they have been terminated.

g. Adequate lateral support slopes and grades abutting streets and adjoining lands shall exist both during quarrying operations and after they have been terminated.

h. If quarrying has or will reduce the quarried area below the grade of the lowest adjoining property or road, particular provision shall be made for the ultimate use of the area below grade.

The reclamation plan shall remain in effect until such time as quarrying operations are terminated and until the reclamation has been completed in accordance with the reclamation plan as most recently updated and approved.

The reclamation plan shall contain a provision that it can and will be completed within a period of one year after termination of quarrying operations. This section shall not require completion of filling below grade portions of the site with water within such one-year period.

## **11-6 ANNUAL SUBMITTAL REQUIREMENTS**

By January 31<sup>st</sup> of each calendar year the holder of a current license shall submit the following information to the Township Clerk:

- a. The location(s) of any vegetation, including trees, to be altered or removed during the upcoming year with the exception of any vegetation to be removed for normal maintenance shall be indicated along with the reason.
- b. The location of places where quarrying is to be conducted, including removal of overburden soil, during the upcoming year.
- c. The location and schedule for installation of any screening and/or berms required to be installed in the upcoming year.
- d. A summary of all permits and approvals issued by any state, county or local regulatory agency for the quarry operations that will be expire during the upcoming year shall be submitted. The summary shall include the type of permit and/or approval and the reference number and the date the permir and/or approval will expire. A copy of all permits and/or approvals that are renewed during the year shall be submitted to the Township Clerk within 30 days following the issuance of the permit and/or approval. In addition, if additional permits and/or approvals will be required during the upcoming year then a description of the type of permit, reason and anticipated date of application shall be submitted. A copy of all new permits and/or approvals that are issued during the year shall be submitted to the Township Clerk within 30 days following the issuance of the permit and/or approval.
- e. A summary of any anticipated changes in the location or type of significant operating equipment (crushers, screening units, magazines) during the upcoming year. A map shall also be included indicating the proposed changes to any locations of such equipment.
- f. Copies of any inspection reports that are issued by any federal, state, county, or local regulatory agencies during the preceding year shall be submitted.

- g. Information describing any permit violations or enforcement documents issued by any federal, state, county or local regulatory agency for the quarry operations during the proceeding year shall be submitted along with the actions taken to correct any violations. Copies of the enforcement documents shall also be submitted.
- h. Information describing any written or electronic email complaints of which the holder of the current license has knowledge of that were filed with the quarry operator or with any federal, state, county or local regulatory agency as to quarry operations during the preceding year shall be submitted. The current license holder shall indicate all actions taken in response to these complaints, including the outcome of any insurance claims.
- i. A report on the license holder's activities since the last license application on means undertaken by license holder to reduce noise, dust, traffic, and other environmental impacts that quarrying and quarrying related activities may have on the public and properties within 200 feet of the quarry.
- j. Applicant shall provide proof of insurance, evidencing comprehensive coverage (on and off-site coverage), including the acts of independent sub-contractors or agents, including limits, coverage, and terms, not less then outlined below.

1. Comprehensive General Liability – Coverage to be provided including all premises, operations, products/completed operations, Broad-Form Property Damage, Personal Injury, Coverage for Explosion, Collapse, and Underground (“XCU” to be included), Limits of Liability for Property Damage and Bodily Injury in the amount of \$1,000,000 per occurrence and \$2,000,000 annual aggregate. The coverage is to be endorsed to include per project and per location aggregate extension, and an endorsement adding the Township of Delaware as an Additional Insured.

2. Automobile Liability providing coverage for “Any Auto” that is or could be the responsibility of the applicant. Coverage shall provide for the inclusion of a Contractual Liability endorsement. Limits of Liability for Property Damage and Bodily Injury in the amount of \$1,000,000 each occurrence.

3. Workers Compensation Coverage to provide coverage for all workers of applicant, providing statutory coverage as required by the State of New Jersey. Employers Liability limits of not less than \$500,000 each Accident, \$500,000 Disease Policy Limit, and \$500,000 Disease each Employee.

4. Umbrella Excess Liability – Coverage to provide a follow form endorsement providing excess liability limits over items 1., 2, and 3. above. Limits of Liability for Property Damage and Bodily Injury in the amount of \$5,000,000 per occurrence and \$5,000,000 annual aggregate. The coverage is to be endorsed to include

per project and per location aggregate extension, and an endorsement adding the Township of Delaware as an Additional Insured.

5. General Conditions:

(a) All coverage must be provided by companies licensed to do business in the state of New Jersey, with a minimum rating equivalent to an A.M. Best Rating of A-.

(b) All policies above shall provide for a waiver of subrogation in favor of the Township of Delaware.

(c) All carriers shall agree to notify the Township of Delaware, in no less than 10 days, of any change of the policies.

**11-7 ACTION BY PLANNING BOARD: PROCEDURES AND RECOMMENDATIONS.**

Quarries are generally operated on large tracts of land, and, if not properly managed, can have significant noise, dust, traffic and environmental impacts. Accordingly, prior to the approval of any initial quarry license application under this Chapter or as part of any comprehensive Master Plan Re-examination conducted pursuant to the MLUL, and subsequent revisions, if any, of the Township Master Plan, the Planning Board shall (a) review the current reclamation plan, and screening, traffic, soil erosion, water quality, water quantity issues, dust control and related site issues in relation to the criteria set forth in Section 11-5 of this Chapter, and, (b) after consultation with the Township Engineer, Environmental Commission, Shade Tree Commission and quarry operator, advise the Township Committee, pursuant to *N.J.S.A. 40:55D-25b(3)*, whether the reclamation plan and operations proposed by the quarry operator meet the conditions of this Chapter, and make such further recommendations as the Planning Board deems to be in furtherance of the purposes of the MLUL as set forth in *N.J.S.A. 40:55D-2*.

The reclamation plan shall be submitted to the Planning Board, which shall conduct a hearing thereon within 90 days after the filing of the plan. The Planning Board shall thereafter adopt a resolution containing its recommendations. This resolution shall be forwarded to the Township Committee within 45 days following the conclusion of the hearing.

**11-8 RECLAMATION FUND.**

By January 31<sup>st</sup> of each calendar year, the applicant shall submit a check of \$2,000.00 to the Township, which shall be deposited by the Township into a dedicated interest-bearing account against which the applicant may draw to undertake reclamation activities pursuant to the current approved plan. If the applicant fails to do those activities required by the plan in a timely fashion, upon at least five (5) days notice to the quarry operator and owner, the Township may

use the funds to undertake such activities or to stabilize portions of that quarry which may constitute safety hazards.

Each year the Township Engineer and the operator shall mutually determine the estimated cost of the reclamation work to be completed during the ensuing year. To extent that such costs exceed the amount available in the reclamation fund the operator shall be required to post a performance bond to cover the excess.

When the operator has performed reclamation work with the cost equivalent amount of the bond, subject to the approval of the Township Engineer, the bonds shall be discharged. The remaining work will be funded from the reclamation fund, subject to approval by the Township Engineer.

The Township shall provide the applicant with an accounting statement on an annual basis. The statement shall indicate all deposits, withdrawals and interest credited to the account.

#### **11-9 PERFORMANCE BOND.**

To the extent required by Section 11-8, the applicant shall submit a performance bond with adequate surety to assure reclamation of the site of operations pursuant to the provisions of Section 11-8 above for the ensuing year in accordance with the following standards:

a. The surety thereon shall be a recognized surety company authorized to do business in the State of New Jersey and approved by the Township Committee.

b. The form of the performance bonds shall be subject to approval by the Township Committee and shall be in such amount as may be approved by the Township Committee and subject to the recommendation of the Township Engineer as to the amount sufficient to guarantee the excess cost of completion of such portion of the reclamation plan intended to be completed during the ensuing year.

c. Semi-annual inspections shall be made by the quarry inspector to evaluate performance of the applicant with respect to reclamation procedures. A report of his findings shall be submitted to the Township Committee.

d. At the request of the applicant and subject to the recommendation of the Township Engineer, the amount of the performance bond shall be adjusted provided the basis therefor is substantiated by said applicant.

#### **11-10 ACTION BY TOWNSHIP COMMITTEE.**

a. With regard to the issuance of any license or the renewal of any license under this Chapter, the Township Committee shall set the matter down for an advertised public hearing within one hundred and eighty (180) days of the date of the receipt of the application, which hearing shall be held by the Township Committee.

b. The applicant upon notice of the date of hearing shall notify all persons within two hundred (200) feet of the quarry zone within the time and in the manner provided by MLUL for notice of development applications.

c. The Township Committee shall, upon such hearing, give the applicant an opportunity to be heard and shall determine the matter no later than thirty days of the conclusion of the hearing.

#### **11-11 FEES AND ESCROW DEPOSITS.**

a. Each initial or renewal application shall be accompanied by a non-refundable license fee of five thousand (\$5,000.00) dollars to defray administrative overhead and costs associated with the review, processing and on-going maintenance of quarry licenses.

b. In addition, each initial or renewal application shall be accompanied by a deposit of two thousand five hundred (\$2,500.00) dollars payable to the Township to establish a deposit account in favor of the quarry applicant. It is intended through this escrow deposit that each applicant or licensee shall bear the reasonable costs of:

1. the engineering, planning, legal, geological and/or other professional examination of the initial application and all renewal applications, including attendance at meetings; and
2. all inspections of the quarry property as provided in this Chapter.

c. In the years that the applicant is notified by the Township that the Planning Board is conducting its comprehensive Master-Plan Re-Examination review, the Reclamation Plan shall be accompanied by a deposit of seven thousand five hundred (\$7,500.00) dollars payable to the Township to establish a deposit account in favor of the quarry applicant. It is intended through this escrow deposit that each applicant or licensee shall bear the reasonable costs of:

1. the engineering, planning, legal, geological and/or other professional examination of the Reclamation Plan, including attendance at meetings; and
2. all inspections of the quarry property required as part of the review of the Reclamation Plan; and
3. after the Planning Board has taken action on the Reclamation Plan and all the professional bills have been paid, any remaining funds in this escrow deposit account shall be returned to the applicant.

d. The Township and planning board engineer, planner, attorney, geological consultant and/or other professional consultant to the Township and the Planning Board shall submit periodic bills to the Township for services rendered respecting each quarry. Copies of all such bills shall be simultaneously transmitted to the applicant or licensee for review, and the applicant or licensee shall have ten (10) days from receipt of such bills to raise any objection. If

no such objection is received by the Township within the ten (10) day period, the Chief Financial Officer shall debit the respective quarry deposit account for an amount equal to those bills and send a debit memo to the applicant or licensee.

When debit exhausts either of the deposit accounts held in favor of an applicant or licensee, the Chief Financial Officer shall request the applicant or licensee to make an additional deposit sufficient to create a credit balance of two thousand five hundred (\$2,500.00) dollars and such payment shall be made by the applicant or licensee within ten (10) days from receipt of such request. Failure to make such deposit after demand therefor shall constitute grounds for the Planning Board to refuse to recommend approval of an Initial License or any Renewal therefore or for the Township Committee to revoke or suspend a license issued under this Chapter.

If an objection to a bill or bills is made, representatives of the Township as designated by the Mayor, and the applicant or licensee shall meet within ten (10) days of the Township's receipt of the objection to share information regarding the basis of the bill or bills, and the basis of the objection. The Township's representatives shall make a recommendation to the Township Committee regarding the objection within ten (10) days of said meeting, and the Township Committee shall take action upon the objection within fourteen (14) days of receiving the recommendation. The action of the Township Committee regarding the objection shall be final. Unless otherwise provided by law, or required by contract, the bill or bills to which an objection is made shall not be paid until the Township Committee has taken action thereon. The time periods set forth in this section may be extended by mutual consent.

### **11-12 QUARRY INSPECTOR.**

The office of quarry inspector is hereby created and established. The quarry inspector shall be the Township Engineer and shall receive such compensation for the time he/she reasonably devotes to the work involved therein as he/she receives for comparable engineering or inspection work for the Township. The duties of the quarry inspector shall be to conduct a periodic inspection of the licensed premises in order to determine whether operations are being conducted in accordance with the application therefor and the terms and provisions of this Chapter, as well as other regulations. Such inspections shall be no fewer than semi-annual and more frequent if, in opinion of the Township Committee, the public interest requires it. The licensee will be notified by the township of any action to consider more frequent inspections. The quarry inspector shall also submit written reports of such inspections as required by the Township Committee and be placed on file. Any such reports shall also be furnished to the licensee.

### **11-13 QUARRY COMPLIANCE COMMITTEE.**

The Quarry Compliance Committee is hereby created and established. The members of the Quarry Compliance Committee will be as follows: (1) Township Committee representative; (1) Planning Board representative; (1) citizen representative living within a one-half mile radius of any quarry located within the Township; and (1) quarry representative from each of the licensed quarries within the Township. Each member will be appointed on an annual basis commencing each January 1. In the absence of an interested and willing citizen living within a

one-half mile radius of quarry serving on the Quarry Compliance Committee, any interested citizen of the Township may be appointed to serve.

The Township Committee and citizen representatives will be appointed by the Mayor. The Planning Board representative will be appointed by the Planning Board Chair. The quarry representatives will be appointed by the quarry operators.

The purposes of the Quarry Compliance Committee are to facilitate communications and act as liaison between the Township Committee, the Planning Board and the licensed quarries operating within the Township and to coordinate and enhance oversight of the quarries in their efforts to comply with the requirements of this Chapter.

The Quarry Compliance Committee will meet at least semi-annually to review the quarry inspection reports and quarry license renewal applications. It will apprise the Township Committee in writing of its findings on a semi-annual basis. More frequent meetings may be held, as needed, in order to review possible revisions to this Chapter. The Township Clerk will be notified in advance of any meetings.

#### **11-14 REGULATION OF OPERATION.**

a. Unless otherwise regulated by County, State or Federal regulation:

1. Quarrying and related operations shall be conducted on weekdays beginning no earlier than 5:00 a.m. and ending by 9:00 p.m. in an industrial zone. Quarrying and related operations on Saturdays shall begin no earlier than 6:00 a.m. and run for only an eight-hour shift in an industrial zone.

2. Quarrying or related operations shall not be conducted on Sundays, except for emergency equipment maintenance.

3. Quarrying or related operations shall not be conducted on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas Day.

4. The hours and/or days may be extended for quarry related operations in order to provide for the trucking of material required by the state during an emergency. Written notification shall be provided to the Township Clerk indicating the date, time and reason for the emergency.

5. Nothing contained herein shall be deemed to prevent the emergency maintenance or repair of equipment.

b. All drilling must be done by wet drilling method or by any other method of equivalent effectiveness for dust control.

c. All roads or traveled rights of way within the licensed premises must be treated with water in order to prevent the dissemination of dust. Water must be applied whenever necessary to limit dust.

d. Quarrying which will reduce the quarried area below the grade of the lowest adjoining property or road shall be permitted only in the I 2 zone and then only after a plan of reclamation for such prospective below grade quarrying has received prior approval pursuant to this ordinance; in all other zones quarrying which will reduce the quarried area below the grade of the lowest adjoining property or road is prohibited. No quarrying shall be permitted which will endanger the lateral support of abutting properties or roads. In the event quarrying or excavation should result in face slopes in excess of forty-five (45) degree, a minimum leveled (or natural) buffer area of fifty (50) feet shall be provided between any quarry boundary line and the commencement of the slope.

e. In no case shall any quarry products, equipment or other materials be deposited or stored on any property, public or private, other than the licensed premises. No buildings, equipment, quarry products or other material shall be erected or stored within a distance of fifty (50) feet of any quarry boundary line.

f. A chain link fence of a minimum height of six (6) feet with normal barbed wire protection added to the top shall be erected around the perimeter of the area being quarried and that has been quarried, and all means of ingress and egress shall be controlled by substantial gates of similar height, which gates shall be closed and securely locked when not in actual use. Reasonable variations of fence alignment may be made in order to accommodate existing natural features and terrain thereby making erection of the fence practicable within the boundary lines of the quarry premises.

g. Blasting and the use of explosives shall be in conformity with New Jersey Statutes and regulations and federal regulations where applicable. The licensee shall notify the office of the Township Clerk at least twenty-four (24) hours in advance of any scheduled blasting time.

h. Signs shall be maintained at all entrances and exits of the quarry property, indicating the name and address of the licensee and that the business being conducted is a licensed quarry. Signs shall also be maintained at no greater than two hundred (200) foot intervals on the perimeter fence, warning of the potential hazard of climbing over the fence.

i. Where conveyors discharge material of less than one inch in diameter onto stockpiles of such material, and where the free and uncontained fall of the material being stockpiled from the conveyor to the highest point of the stockpile shall exceed a distance of six (6) feet, a high-pressure water mist spray must be directed onto the material as it falls from the conveyor to the stockpile in such manner as to reduce the accumulation and dissemination of dust.

j. Whenever the quarry property abuts a public street or road, a solid and continuous landscape screen shall be planted and maintained. The landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and spacing as will provide within five (5) years of their planting date a solid and continuous screen throughout the full course of the year. The licensee shall at all times, adequately maintain this landscape screen as well as all

other visual screening shown upon the licensee's approved license applications as a continuing obligation and as a condition of renewal of the license.

k. All crushing and processing of quarry materials shall be conducted by use of wet method of dust control or by local exhaust systems of equivalent effectiveness.

l. Provisions shall be made for adequate drainage, soil and sediment control, point and non-point source water and air pollution to best management practices as defined by the Federal Environmental Protection Agency and the State Department of Environmental Protection, during quarrying operations and after termination of same. The licensee shall obtain all applicable permits from state, county and local regulatory agencies.

m. The area of public roads adjacent to the exits must be kept free of accumulation of mud, dust and stone from the quarry.

n. The licensee shall be responsible for the prompt removal of any trash, unused machinery or vehicles or graffiti placed in the quarry, and shall maintain the licensed premises in a reasonably neat and orderly condition.

o. All operations shall be conducted in accordance with applicable law.

#### **11-15 ISSUANCE OF LICENSES.**

All license applications shall be reviewed by the quarry inspector and certified as to whether they comply with the requirements of this Chapter. Licenses shall be valid for a ten-year period and expire on July 31 of each ten-year period and be renewed every ten years upon filing an application therefore in accordance with the standards outlined above. Initial licenses issued after July 31 of a calendar year shall expire on July 31 of the following ten-year period. A quarry presently in operation may, upon filing a renewal application for license as provided above, continue in operation pending action upon said application by the Township Committee. Where the approval of or certification by county, state or federal regulatory agencies or departments is required, such approvals or certifications shall be attached to the application before action by the Township Clerk.

#### **11-16 REVOCATION OR SUSPENSION OF LICENSES.**

After ten (10) days notice and an opportunity to be heard, the Township Committee may revoke or suspend any license issued under this section if it finds that the licensee is violating the terms or provisions of this Chapter.

#### **11-17 ENFORCEMENT.**

This Chapter shall be enforced by the Township Engineer of the Township, who shall investigate any violation thereof coming to his/her attention, whether by complaint or arising from his own personal knowledge. If a violation is found to exist, he/she shall serve a written notice by certified mail or personal service upon the owner or person so designated to accept service of process, but if the owner or person so designated cannot be served, then upon the person in charge of the licensed premises. If an owner or person so designated or person in

charge cannot be served, then posting a notice of the violation in a prominent place upon the premises shall be adequate notice of the violation. The notice shall require the violation to be abated within a period of ten (10) days from the date of service thereof or within such lesser period of time as the Township Engineer shall deem reasonable in cases where the danger to public health, safety and general welfare is so imminent as to require more immediate abatement. If the violation is not abated within the time specified, the Township Engineer shall notify the Township Committee and prosecute a complaint to terminate the violation in municipal court.

**11-18 SEVERABILITY.**

Every part of each section of this Ordinance is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

Section 2. This Ordinance shall take effect immediately upon final passage and publication as provided by la

ATTEST:

\_\_\_\_\_  
Judith A. Allen, RMC  
Township Clerk  
November 2, 2012  
Published by Summary: 11/13/12

\_\_\_\_\_  
Roger Locandro, Mayor

PLEASE TAKE NOTICE that the Delaware Township Committee approved the above ordinance on first reading at the Regular Meeting of the Delaware Township Committee held November 2, 2012. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting to be held November 26, 2012 beginning at 8:00 P.M. at Township Hall, 570 Rosemont Ringoes Rd., Sergeantsville, New Jersey. At that time an opportunity will be given for all interested citizens to be heard.