

ORDINANCE NO. 19-2013

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER
AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP
ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY REVISING THE
REGULATIONS FOR ABOVE-GROUND STORAGE OR PROCESSING TANKS**

WHEREAS, the Chapter 166 of the Township of Code currently prohibits above-ground storage and processing tanks that exceed a capacity of 500 gallons; and

WHEREAS, the Planning Board has in recent years received numerous development applications involving storage tanks that exceed 500 gallons, in particular fuel storage tanks for emergency power generators; and

WHEREAS, the Planning Board has determined that these development applications were able to satisfactorily address the concerns with larger tanks by incorporating appropriate controls, and has recommended a change to allow somewhat larger tanks and to establish regulations for such tanks, rather than to require every application to seek a variance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover in the County of Morris in the State of New Jersey, as follows:

Section 1. Article XIX, *General Provisions*, is hereby amended and supplemented by the addition and insertion of a new Section 166-124.1., entitled, *Above-ground storage and processing tanks*, to read as follows:

§ 166-124.1. Above-ground storage and processing tanks.

The following requirements shall apply to above-ground storage tanks located outside a principal building:

- A. Above-ground storage tanks and processing tanks shall only be permitted as an accessory use and structure for permitted principal uses.
- B. Such tanks shall be permitted with capacities up to 2,500 gallons. This capacity shall be cumulative for all such tanks on the property.
- C. Such tanks shall be prohibited in the front yard.
- D. Adequate containment shall be provided in the event of fuel spills or leakage, as determined by the Township Engineer.
- E. Where permitted, such tanks having a capacity greater than 1,000 gallons shall be screened from the view of public streets and adjacent properties.

Section 2. Subsection H. in Section 166-191., *Prohibited uses*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is hereby deleted.

Section 3. Subsection A. in Section 166-193., *Performance standards*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is hereby amended and supplemented to read as follows:

A. All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters or Township Building Code or Fire Ordinance, whichever is more restrictive. All operations shall be carried on and combustible raw materials, fuels, liquid and finished products shall be stored in accordance with the standards of said Board of Fire Underwriters.

Section 4. Subsection K. in Section 166-193.7., *Required conditions*, in Article XXXIIIB, *OB-RL3 Office Building and Research Laboratory District*, is hereby deleted.

Section 5. Subsection H. in Section 166-195., *Prohibited uses*, in Article XXXIV, *I Industrial Districts*, is hereby deleted.

Section 6. Subsection H. in Section 166-201., *Prohibited uses*, in Article XXXVI, *I-B Industrial-Business District*, is hereby deleted.

Section 7. Subsection J. in Section 166-205., *Prohibited uses*, in Article XXXVII, *I-P Industrial Park District*, is hereby deleted.

Section 8. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Ronald F. Francioli, Mayor

Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: June 13, 2013

DATE OF ADOPTION: July 11, 2013

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 13th day of June, 2013, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 11th day of July, 2013, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: June 20, 2013