

RESOLUTION # 2013-109

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-5

AN ORDINANCE AMENDING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED LAND USE AND DEVELOPMENT SECTIONS 220-108 & 220-176 AND CHAPTER 113 OF THE CODE ENTITLED "BUSINESS LICENSING" SECTION 113-9 "CONDITION OF ISSUANCE OF LICENSES" TO REQUIRE THAT MOTOR VEHICLE SERVICE STATIONS HAVE AN ALTERNATE ENERGY SOURCE

which was introduced on February 21, 2013, public hearing held on March 14, 2013, be adopted on second and final reading this 14th day of March, 2013.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

OFFERED BY: MARDER AYES: 5

SECONDED BY: METZGER NAYS: 0

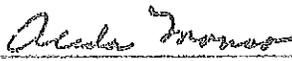

ALIDA MANCO
MUNICIPAL CLERK


FRANK LaROCCA
COUNCIL PRESIDENT

3/14/13

CERTIFICATION

I hereby certify the above to be a true and exact copy of a Resolution adopted by the Township Council of the Township of Marlboro at a meeting held on 3-14-2013


Township Clerk

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AN ORDINANCE AMENDING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED LAND USE AND DEVELOPMENT SECTIONS 220-108 & 220-176 AND CHAPTER 113 OF THE CODE ENTITLED "BUSINESS LICENSING" SECTION 113-9 "CONDITION OF ISSUANCE OF LICENSES" TO REQUIRE THAT MOTOR VEHICLE SERVICE STATIONS HAVE AN ALTERNATE ENERGY SOURCE

WHEREAS, recent storms and hurricanes have created serious crises throughout the region involving the shortage of fuel; and

WHEREAS, fuel is an indispensable commodity, necessary for the transportation and emergency electrical power to serve storm and hurricane victims and rescue and law enforcement personnel; and

WHEREAS, the shortage of fuel was a result of power outages which rendered inoperative a large percentage of the service stations in the region; and

WHEREAS, the public health, safety and welfare requires that this shortage of fuel not be repeated and that gas stations provide for an uninterrupted supply of alternate power.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the following sections of the Marlboro Township Code be and are hereby amended and supplemented to require that service stations provide an alternate energy source capable of providing electrical service during an interruption of the normal electrical supply as follows:

§220-108 entitled Motor Vehicle Service Stations is amended and supplemented to add a new sections N and O as follows:

N. All Motor Vehicle Service Stations that sell gasoline at retail to consumers from gasoline pumps at their stations, shall be required to have an alternate energy source, such as a generator connection/hookup, that is capable of providing electrical service during an interruption of the normal electrical supply sufficient to power up the gasoline pumps so that gasoline can be sold to the consumer. The alternate energy source shall be sufficient to operate all pumps during

normal business hours of the service stations.

O. The alternate energy source required by §220-108 (N) shall be required any time an existing Motor Vehicle Service Station undertakes a substantial renovation (e.g. tank replacement) as determined by, and in the sole discretion of the Zoning Officer in consultation with the Construction Official.

BE IT FURTHER ORDAINED that §220-176 entitled Service Stations and Public Garages is amended and supplemented to add new sections D & E:

D. All Motor Vehicle Service Stations that sell gasoline at retail to consumers from gasoline pumps at their stations, shall be required to have an alternate energy source, such as a generator connection/hookup, that is capable of providing electrical service during an interruption of the normal electrical supply sufficient to power up the gasoline pumps so that gasoline can be sold to the consumer. The alternate energy source shall be sufficient to operate all pumps during normal business hours of the service stations.

E. The alternate energy source required by §220-176 (D) shall be required any time an existing Motor Vehicle Service Station undertakes a substantial renovation (e.g. tank replacement) as determined by, and in the sole discretion of the Zoning Officer in consultation with the Construction Official.

BE IT FURTHERED ORDAINED, that Chapter 113 of the Code of the Township of Marlboro, entitled "BUSINESS LICENSES", Section 113-9

entitled "Condition of issuance of licenses" is hereby amended and supplemented as follows:

§ 113-9. Condition of issuance of licenses.

(a) It shall be a condition of the issuance of any and all licenses under this chapter that said business shall be used and operated only for lawful purposes and not in violation of the Zoning Ordinance or other ordinances of the Township of Marlboro.

(b) It shall be a condition of the issuance of any and all licenses under this chapter that on and after January 1, 2016 all Motor Vehicle Service Stations that sell gasoline at retail to consumers from gasoline pumps at their stations, shall be required to have an alternate energy source, such as a generator connection/hookup, that is capable of providing electrical service during an interruption of the normal electrical supply sufficient to power up the gasoline pumps so that gasoline can be sold to the consumer. The alternate energy source shall be sufficient to operate all pumps during normal business hours of the service stations.

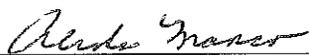
BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

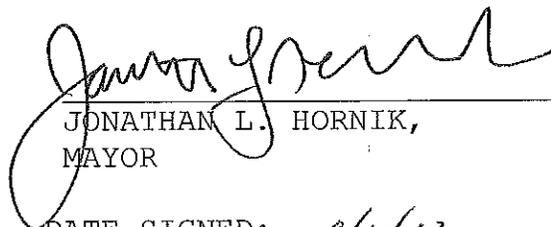
BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PASSED: February 21, 2013

ADOPTED: March 14, 2013



ALIDA MANCO,
MUNICIPAL CLERK



JONATHAN L. HORNIK,
MAYOR
DATE SIGNED: 3/14/13