

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2016-1

An Ordinance of the Township of Bordentown Amending Chapter 25, Section 509 of the Code of the Township of Bordentown to Include Standards for Truck Refrigeration Units (TRU's).

WHEREAS, Chapter 25, Section 509 in the Land Development Code of the Township of Bordentown, provides for performance standards for All Uses with the Township, and;

WHEREAS, the Township Committee recognizes that the operation of Truck Refrigeration Units (TRU's) on refrigerated trucks, while parked at warehouses which are adjacent to residential uses and zones, can and does have a negative impact to nearby residences by producing nuisances such as excessive or undesirable noise, vibration, and air pollution, thus exposing the nearby residents to the same, and;

WHEREAS, the Township Committee has further determined that the Township Code shall be amended in order to provide standards to reduce or eliminate the negative impacts from the operation of TRU's while trucks are parked at warehouses, and to promote the health, safety, and general welfare of the public.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1. Chapter 25, Section 509, Performance Standards for all Uses, is hereby amended to create, 'Sub-Section M' for "Truck Refrigeration Units", as follows:

25-509 M. Operation of Truck Refrigeration Units at Warehouses and Non-Residential Uses Adjacent to Residential Uses or Zones

1. Applicability – Following the date of the adoption of this Sub-Section, the provisions contained herein shall be applicable to all new or proposed warehouse and non-residential uses, owners, operators, and tenants, for warehouses within five-hundred-feet (500') of a residential use, zone or development, as measured from the property lines of the uses.
2. For new or proposed warehouses or other non-residential uses which provide for the parking of trucks, and are the subject of any land-use application, including a site plan approval, construction permit, or a zoning permit, the applicant, developer, tenant or owner (collectively, 'applicant') shall provide information to the approving authority demonstrating compliance with this subsection. Where an applicant proposes a warehouse or other non-residential use or operation which provides for truck parking, and for which they assert will not include the parking of refrigerated trucks, the applicant shall provide a sworn statement and other such information as required to the satisfaction of the approving authority, demonstrating that the proposal will not require or allow for the parking of refrigerated trucks, and acknowledging the need to comply with this sub-section and obtain approvals, if the need for parking of refrigerated trucks arises in the future.
3. Requirement to provide alternate technologies – In order that refrigerated trucks will not use and operate diesel or other fossil fuel-powered Truck Refrigeration Units (TRU's) while parked for a period of more than thirty (30) minutes, the Owner, Operator, or Tenant of a warehouse or other non-residential facility shall provide the infrastructure for, and have available for use by refrigerated trucks, alternative

technologies which will allow parked refrigerated trucks to operate TRU's without the need for diesel or other fossil fuel-power. Such alternate technologies may include, but shall not be limited to:

- a. Parking Space Electrification to provide parked refrigerated trucks with a permanent, reliable source of grid-supplied electric power to operate electric or hybrid diesel-electric TRU's without the need for the use of fossil fuel-power, or
- b. Other such alternate technology, as deemed acceptable by the Planning or Zoning Board, Zoning Officer, or Construction Official, as appropriate, which shall demonstrate compliance with the intent and purposes of this sub-section and reliably eliminate the need for parked, refrigerated trucks to use and operate fossil fuel-powered TRU's.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

INTRODUCED: JANUARY 11, 2016
ADOPTED: FEBRUARY 22, 2016