

ORDINANCE A-13-2023

Title: AN ORDINANCE OF THE MAYOR AND MEMBERS OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PENNSVILLE AMENDING CHAPTER 5, SECTION 5.19 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF PENNSVILLE (TOWNSHIP OF PENNSVILLE LAND DEVELOPMENT ORDINANCES) ADOPTED BY ORDINANCE A-24-2014, EFFECTIVE DECEMBER 18, 2014 AND UPDATED FROM TIME TO TIME THEREAFTER, WHICH AMENDMENT WILL REMOVE ANY REFERENCE OF APIARIES IN THAT SECTION

**WHEREAS**, the Mayor and members of the Township Committee of the Township of Pennsville (hereinafter Committee) have been advised that the State of New Jersey recently adopted N.J.S. 40:48-1.5 which prohibits a municipality from regulating apiaries except under limited circumstances and only with the approval of the New Jersey Department of Agriculture; and

**WHEREAS**, to ensure clarity in this matter, the Committee has elected to define apiary as follows:

*“An apiary is a location where beehives of honeybees are kept. Apiary’s come in many sizes and can be rural or urban depending on the honey production operation. Furthermore, an apiary may refer to a hobbyist hives or those used for commercial or educational uses.”*

**WHEREAS**, the Township Solicitor has advised the Committee that based on the aforesaid statute, it would be appropriate to amend the township’s Land Use Ordinance to remove and reference to apiaries as provided for in Chapter 10, Section 5.19 of the Revised Ordinances of the Township of Pennsville;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and members of the Township Committee of the Township of Pennsville, County of Salem, and State of New Jersey:

1. Any reference to “apiaries” in Chapter 10, Section 5.19 of the Revised Ordinances of the Township of Pennsville is hereby deleted.
2. The remainder of the aforesaid Chapter should remain in full force and effect.
3. If any section or provision of this Ordinance shall be declared by court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

4. All Ordinances or parts of Ordinances heretofore adopted that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

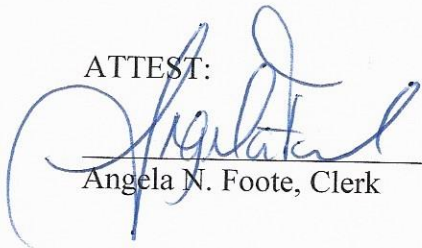
5. Within Sixty (60) days of the adoption of this Ordinance, the Township Clerk shall file a certified-to-true copy under the seal of the municipality with the Salem County Clerk, with a request that the Ordinance be indexed under the Clerk's Book of Vacations.

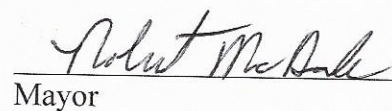
6. This Ordinance shall be effective upon its final passage, adoption, and publication in the manner prescribed by law.

ADOPTED: May 18, 2023

Approved by the Township Committee  
Township of Pennsville, May 04, 2023

ATTEST:

  
\_\_\_\_\_  
Angela N. Foote, Clerk

  
\_\_\_\_\_  
Mayor

First reading – May 04, 2023

Roll call vote:	Yes	No	Abstaining	Absent
Marc Chastain	<u>X</u>	—	—	—
Pete Halter	<u>X</u>	—	—	—
Scott Hourigan	<u>X</u>	—	—	—
Robert McDade	<u>X</u>	—	—	—
Daniel Neu	<u>X</u>	—	—	—

Adoption – May 18, 2023

Roll call vote:	Yes	No	Abstaining	Absent
Marc Chastain	<u>X</u>	—	—	—
Pete Halter	<u>X</u>	—	—	—
Scott Hourigan	<u>X</u>	—	—	—
Robert McDade	<u>X</u>	—	—	—
Daniel Neu	<u>X</u>	—	—	—