

**ORDINANCE NO. 2024-16**

**AN ORDINANCE OF THE TOWNSHIP OF LACEY,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 335,  
OF THE TOWNSHIP CODE ENTITLED, "ZONING", SO  
AS TO BE IN COMPLIANCE WITH REGULATIONS  
FROM THE NEW JERSEY PINELANDS COMMISSION**

**WHEREAS**, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Township of Lacey implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

**WHEREAS**, the Pinelands Comprehensive Management Plan incorporates by reference certain stormwater management regulations contained at N.J.A.C. 7:8; and

**WHEREAS**, the New Jersey Department of Environmental Protection adopted amendments to certain stormwater management regulations contained at N.J.A.C. 7:8, effective July 17, 2023; and

**WHEREAS**, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 2023.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Lacey, County of Ocean and State of New Jersey, as follows:

**SECTION 1.** Chapter 335, Zoning, Article II, Definitions; Interpretation of Boundaries, Section 335-3, Word usage and definitions, is hereby amended by adding to subsection B. the following definitions:

**DIVERT or DIVERSION** – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

**HYDROLOGIC UNIT CODE-11 or HUC-11** – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

**NONCONSUMPTIVE USE** – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

**SECTION 2:** Chapter 335, Zoning, Article IV, Pinelands Area Development Standards, Section 335-29, Water quality, is hereby amended by repealing and replacing subsection E. as follows:

**E. Water Management**

(1) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.

(2) A diversion within the Pinelands Area portion of Lacey Township that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at (a) and (b) below, or outside of either basin, shall be prohibited.

(a) The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.

- (b) The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.
- (3) A diversion within the Pinelands Area portion of Lacey Township involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at (2)(a) and (b) above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at (4) below.
- (4) Within the Pinelands Area portion of Lacey Township, a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall be prohibited unless it meets the criteria of (a) below. "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.
- (a) A proposed diversion shall only be permitted if it is:

[1] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:

[a] Be approximately the same depth as the existing well;

[b] Divert from the same aquifer as the existing well;

[c] Have the same or lesser pump capacity as the existing well; and

[d] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;

[2] Any proposed diversion that is exclusively for agricultural or horticultural use; or

[3] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Lacey on the **23<sup>rd</sup>** day of **May 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **13<sup>th</sup>** day of **June, 2024**, at **6:00 PM.** at the Municipal Building located at the Municipal Building located on Lacey Road in Forked River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
AMY MCGUCKIN, RMC, Clerk  
Township of Lacey