

**ORDINANCE NO. 2025-11**

**ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE X: “COMMUNICATIONS TOWERS AND ANTENNAS” OF CHAPTER 13 – LAND DEVELOPMENT – OF THE HARDWICK TOWNSHIP CODE TO CREATE SECTION 13-106.10 ENTITLED “SUBSTANTIAL MODIFICATION REVIEW” TO REQUIRE THE POSTING OF A ONE THOUSAND DOLLAR (\$1,000.00) ESCROW FEE FOR PURPOSES OF ELIGIBLE FACILITY REQUEST REVIEW**

**WHEREAS**, the Spectrum Act, codified as 47 U.S.C.A. 1455, limited the authority of state and local governmental units to deny approvals for the collocation of new providers on, or the modification of, existing telecommunications facilities where the proposed modifications do not substantially change the physical dimensions of the existing tower or base station(s); and

**WHEREAS**, pursuant to the relevant federal law, while the Township is precluded from denying approvals for the collocation or modification of existing telecommunications facilities, the Township nonetheless expends municipal resources to assess whether such modifications constitute a “substantial change” under federal law; and

**WHEREAS**, in order to ensure that the Municipality does not needlessly expend such resources, the Township Committee of the Township of Hardwick wishes to require the posting of a one-thousand-dollar (\$1,000.00) escrow amount, to compensate the Municipality for the Township Engineer’s review of the proposed modification of the existing telecommunication facilities located in the Township; and

**WHEREAS**, the Township Committee of the Township of Hardwick believes that such amendment to Chapter 13 – Land Development – is in the best interest of the Township and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hardwick, that Article X: “Communications Towers and Antennas” of Chapter 13 – Land Development – be amended and supplemented by creating Section 13-106.10 entitled “Substantial Modification Review” to require the posting of a one thousand-dollar (\$1,000.00) escrow fee in Cellular Tower Review application(s) to assess whether such modifications constitute a “substantial change” under federal law, specifically 47 CFR § 1.6100, as follows:

**SECTION I:**

Additions to this Section shall be delineated by underlined text, thusly.

**§ 13-106.10. Substantial Modification Review.**

An Escrow Fee of One Thousand Dollars (\$1,000.00) shall be posted when the wireless telecommunication provider seeks to modify an existing telecommunication facility located in the

Township, to assess whether such modifications constitute a “substantial change” under federal law, specifically 47 CFR § 1.6100. This fee shall be used solely to determine whether the proposed modification qualifies as an Eligible Facilities Request under federal law

**SECTION II: Repealer.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION III: Severability.**

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION IV: Effective Date.**

This Ordinance shall take effect as provided by law.

Introduction: October 15, 2025

Motion: Lovell

Second: Meuse

AIF: Lovell, Meuse, Jacksic

Adoption: December 10, 2025

Motion: Lovell

Second: Meuse

Roll Call: Lovell—yes, Meuse—yes, Jacksic—yes

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Kristin Shipps, RMC