

**BOROUGH OF RARITAN**  
**ORDINANCE NO. 2024-13**

**AN ORDINANCE OF THE BOROUGH OF RARITAN, SOMERSET  
COUNTY, NEW JERSEY AMENDING AND MODIFYING  
CHAPTER 1 AND CHAPTER 315 OF THE CODE OF THE  
BOROUGH OF RARITAN**

**Statement of Purpose**

*The purpose of this ordinance is to address inconsistencies with stormwater management ordinances within the current Borough of Raritan Land Use Code and bring the stormwater control ordinance(s) into compliance with current New Jersey State requirements.*

**WHEREAS**, the State of New Jersey Borough of Raritan (the “Borough”) regulates the control and discharge of stormwater through the use of stormwater best management practices and non structural stormwater management strategies; and

**WHEREAS**, On July 17, 2023, the New Jersey Department of Environmental Protection (“NJDEP” or the “Department”) adopted amended stormwater management rules at N.J.A.C. 7:8-1 et. seq. (the “Inland Flood Protection Rules”), which require municipalities to revise their stormwater control ordinances in accordance with the Inland Flood Protection Rules; and

**WHEREAS**, On November 1, 2023, the NJDEP modified the New Jersey Pollutant Discharge Elimination System (“NJPDES”) permit and associated Municipal Separate Storm Sewer System (“MS4”) permit to address additional community wide ordinances pertaining to stormwater management.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor & Council of the Borough of Raritan, as follows:

**SECTION 1:**

The following chapters and sections within the Borough of Raritan are hereby repealed:

- Chapter 92, Section 33, Article V – Disposal of Pet Wastes;
- Chapter 217, Sections 1-15, Littering; and,
- Chapter 315, all sections.

## **SECTION 2:**

Chapter 1 of the Borough of Raritan Land Use Code is hereby amended to now read as follows:

### **ARTICLE 2 - PENALTIES**

#### 1-10 General Penalty Provision

Whenever, in the revision and codification or in any other ordinance of the Borough, or rule, regulation, or order promulgated by any officer or agency of the Borough under the authority duly vested in them or it, any act is prohibited or is made or declared to be unlawful or an offence or doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provisions of the revision and codification or of any other ordinance of the Borough or any rule, regulation or order, as aforesaid, shall be punished by a fine not exceeding \$2,000.00 or by imprisonment in the county jail not exceeding 90 days or by 90 days of community service, or any combination thereof,; provided, however that where the penalty for any particular offense is limited by state statute, then such limitation shall be applicable to the provisions of the revision and codification and other ordinances of the Borough or rule, order or regulation, as aforesaid, notwithstanding the provision of this section. Each day that any violation of the revision or codification or any other ordinance of the Borough or any rule, regulation or order, as aforesaid, shall constitute a separate offense. Whenever any such fine shall be imposed upon any corporation, such fines and costs and changes incident thereto may be collected by an action of debt or in such other manner as may be provided by law.

#### 1-11 Continuing Violations

Where applicable, and for the purposes of assessing penalties, the continuation of a particular violation each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate violation.

#### 1-12 Additional Remedies

The imposition if a penalty as provided in 1-10 above, or as specifically provided in any other chapter of this Code, or in and other ordinance of the Borough of Raritan, shall be in addition to any injunctive or remedial relief which is authorized under the laws of the state, with the same force and effect as though provided for herein. Such penalty shall not be deemed to be in lieu of any provision for revocation or suspension of any license or permit.

### **SECTION 3:**

Chapter 315 of the Borough of Raritan Land Use Code is hereby amended to now read as follows:

#### ARTICLE I – Stormwater Control Ordinance

##### **§315-1 Scope and Purpose**

###### A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

###### B. Purpose

The purpose of this article is to establish minimum stormwater management requirements and controls for “major development,” as defined below in **§315-2**.

###### C. Applicability

1. This article shall be applicable to the following major developments:
  - i. Non-residential major developments and redevelopment projects; and
  - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This article shall also be applicable to all major developments undertaken by **the Borough of Raritan**.
3. Applicability of this article to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this article are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

**§315-2 Definitions**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this article shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

**§315-3 Design and Performance Standards for Stormwater Management Measures**

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and

loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

#### **§315-4 Solids and Floatable Materials Control Standards**

A. Site design features identified under **§315-3** above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see **§315-4.A.2** below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear

spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in **§315-4.A.1.** above does not apply:
  - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
  - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
  - iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
    - b. A bar screen having a bar spacing of 0.5 inches.

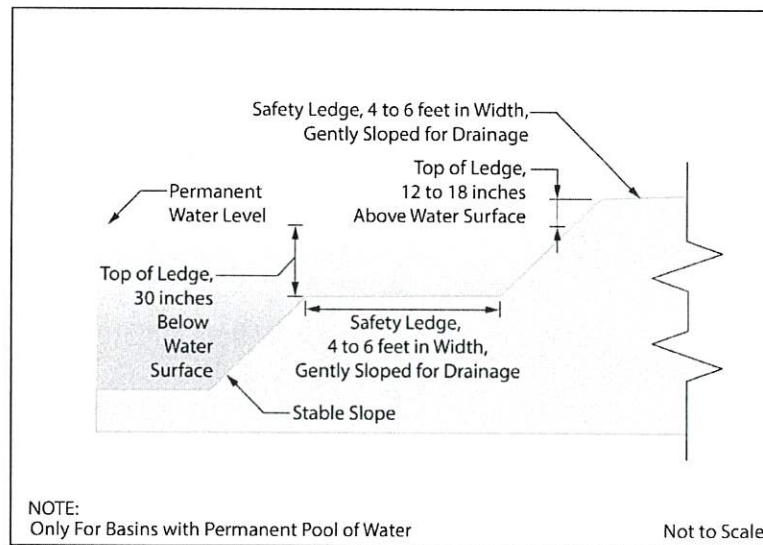
Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



**§315-6 Requirements for a Site Development Stormwater Plan**

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this article, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at **§315-6.C** below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this article.
3. The applicant shall submit **two copies** of the materials listed in the checklist for site development stormwater plans in accordance with **§315-6.C** of this article and provide digital copies as required by the Borough.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this article.

### C. Submission of Site Development Stormwater Plan

The following information shall be required:

#### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

#### 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

#### 3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

#### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §315-3 is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

#### 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §315-3 of this article.

- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of **§315-7**.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this article may, in consultation with the municipality's review engineer, waive submission of any of the requirements in **§315-6.C.1 through §315-6.C.6** of this article when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### **§315-7 Maintenance and Repair**

#### A. Applicability

Projects subject to review as in **§315-1.C** of this article shall comply with the requirements of **§315-7.B and §315-7.C**

#### B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all

applicable municipal stormwater general permit conditions, as issued by the Department:

- i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
    - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
  3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

#### **§315-8 Penalties**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

## ARTICLE II – Pet Waste

### **§315-9 Purpose**

An article to establish requirements for the proper disposal of pet solid waste in **the Borough of Raritan** so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

### **§315-10**

#### **Defin itions**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

### **§315-11 Requirement for Disposal**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

### **§315-12 Exemptions**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

### **§315-13 Enforcement**

The provisions of this Article shall be enforced by the **Police Department and the Board of Health of the Borough of Raritan**

### **§315-14 Violations and Penalty**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

## ARTICLE III – Litter Control

### **§315-15 Title and Purpose**

This article shall be known and may be cited as the “Environmental Protection Ordinance” with the purpose of establishing requirements to control littering and to protect waterways in **the Borough of Raritan**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### **§315-16 Definitions**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Borough – the Borough of Raritan in the County of Somerset and State of New Jersey.
- b. Garbage – Any waste or decayed animal or vegetable matter originating in homes, kitchens, restaurants, hotels, produce markets, stores and other places where food and food products are stored and prepared for sale and/or consumption.
- c. Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- d. Litter Receptacle – a container suitable for the depositing of litter.
- e. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- f. Mercantile and Public Building – A building used for manufacturing, offices, stores or other commercial purposes, whether or not such activities are engaged in for profit.
- g. Public Place – Any public street, road, alley, park, grounds and buildings owned by the Borough or the Board of Education.
- h. Public Property – All buildings, grounds, parks, streets, roads, schools and all sewers owned by the Borough or the Board of Education.
- i. Residences – Apartment houses, single-family or multifamily dwellings, rooming houses or any other buildings occupied as living quarters for which a rental is paid by the occupants, or any privately owned dwellings occupied by the owner thereof, and shall include any yards and grounds connected with any of the above-described dwelling units.
- j. Rubbish - Broken or discarded crockery, glass bottles, metal cans, cooking utensils, food and milk containers, papers, magazines, pasteboard boxes, large and small cardboard cartons, paper or plastic cups, plates and spoons, discarded building materials or other waste materials.
- k. Streams - Any brook, river, pond or other body of water in the Borough.

1. Vehicle - Every device in, upon or by which any person or property is or may be transported or draws upon any street, road or highway in the Borough or upon privately owned property.

**§315-17 Littering Prohibited; disposal of timber, brush or similar materials**

- A. No person shall throw, dump or deposit any litter, grass, yard trimmings or other waste material upon any open fields, woods, private properties, public places, public streets, roads or highways within the limits of the Borough.
- B. The owner, his or her agent, or other person who occupies, manages or controls any public or private property shall not allow to remain thereon any timber, lumber, wood, brush or similar material greater in diameter than eight inches or greater in length than eight feet for any period in excess of 24 hours. Any timber, lumber, wood, brush or similar material which is eight inches or less in diameter or eight feet in length shall be left along the property curblines on such strip of property between the curb and the sidewalk of a property, or, if there is no sidewalk, as adjacent to the curb as possible, for pickup by the Borough Public Works. Such material may not be placed for pickup by the Borough Public Works during any week in which the Borough bulk pickup is scheduled for the property for that week.
- C. No timber, lumber, wood, brush, leaves or similar material shall be allowed to remain in the road, gutter or otherwise adjacent to the property so as to interfere with stormwater management.

**§315-18 Garbage receptacles; collection**

- A. Receptacles of garbage and rubbish shall comply with the Borough's Solid Waste Code of New Jersey, adopted by ordinance enacted by the Board of Health on February 8, 1967 and shall not be set out at the curblines for collection except during the hours of the day or days scheduled for collection of garbage and rubbish, or from 4:00 p.m. through 12:00 midnight of the day preceding such collection, and the receptacles shall not be left out at the curblines for more than 12 hours after collection.
- B. Nothing herein shall be construed to prohibit the use of heavy-gauge plastic bags having a thickness of at least 0.8 mil as receptacles of garbage and rubbish, provided that such bags are securely fastened so as to allow no leakage or spillage therefrom.
- C. The maximum receptacle size for trash cans in the Borough of Raritan is hereby designated to be a maximum of 50 gallons.

**§315-19 Rubbish from building construction or demolition; restoration of premises**

- A. No person shall permit land to be covered with or contain rubbish resulting from the construction of or the demolishing of a building. All such resulting rubbish must be removed from the premises. Any existing concrete floors or foundations of a

demolished building need not be removed so long as they do not lie less than two feet below the finished and existing property grade, that being the level to which all buildings must be demolished.

- B. All landfill materials shall be of noncombustible materials and shall comply with Borough and state codes. All sewer connections and utilities shall be permanently sealed at the curb and approved by Borough officials before they are covered. In addition, any existing private well on the premises also must be permanently sealed so as to comply with Borough and state codes. All existing dry wells, septic tanks, cesspools and underground voids must be filled to prevent possible subsequent cave-ins.

**§315-20      Depositing litter in streets**

No person will be permitted to sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property must keep the sidewalk in front of his or her premises free of litter. All litter sweepings must be collected and properly containerized for disposal.

**§315-21      Litter from vehicles**

No person, while a driver or a passenger in a vehicle, whether said vehicle is moving or parked, shall throw or deposit any litter upon any street, road, highway, public place or private property in the Borough. It is unlawful for any vehicle to be driven, moved, stopped or parked on any public roadway unless such a vehicle is constructed, covered or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials which constitute litter have fallen or escaped, which could cause an obstruction, damage a vehicle or otherwise endanger travelers or public property, must immediately cause the public property to be cleaned of all such materials and must pay the costs therefor.

**§315-22      Depositing litter in waterways**

No person shall throw or deposit any litter in any stream, river, pond or in any other body of water in the Borough.

**§315-23      Polluting waterways**

No person shall throw or discharge into any stream, river, pond or any other body of water in the Borough and polluting matter, including, but not limited to, sawdust, gasoline, grease, oil, wash water or other wastes.

**§315-24      Covering of vehicles**

No person shall load or drive a vehicle over the streets or roads in the Borough unless said vehicle is covered so as to prevent its contents or litter from falling, spilling or leaking upon and street, highway or private or public place.

**§315-25 Maintenance of building premises**

- A. Premises and yards where commercial and residential buildings are located shall be kept free of litter and waste materials. Litter from said buildings must not be left outside unless the receptacles or waste materials are in an enclosure which will prevent said materials from being blow over property on which said building is located. Empty soft drink and milk cases, large and small cardboard cartons and other discarded materials not in receptacles or enclosures must be removed daily from commercial premises.
- B. It is unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

**§315-26 Shopping carts**

Shopping carts shall be kept on the property of the owner at all times and put inside the store at night or otherwise locked up so as to prevent their removal after store closing hours. Broken or damaged shopping carts must be removed from the premises forthwith.

**§315-27 Responsibility of owners**

The owner, his agent or other person who occupies, manages or controls any mercantile building, public or private property, shall be jointly and/or severally responsible for carrying out the regulations set forth in this chapter.

**§315-28 Enforcement Officers**

The Building Inspector, Borough of Raritan Police Department, Plumbing Inspector, Property Maintenance Officer, and Public Works Superintendent shall enforce this Article.

**§315-29 Violations and Penalties**

Any person or entity violating any of the provisions of this chapter shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

### **§315-30 Purpose**

An article to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by **Borough of Raritan**, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

### **§315-31 Definitions**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

### **§315-32 Prohibited Conduct**

- a. No person shall feed, in any public park or on any other property owned or operated by **the Borough of Raritan**, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

### **§315-33 Enforcement**

- a. This article shall be enforced by **the Borough of Raritan Police Department**
- b. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

### **§315-34 Violations and Penalties**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

## ARTICLE V – Improper Disposal of Waste

### **§315-35 Purpose**

An article to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by **the Borough of Raritan**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### **§315-36 Definitions**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Borough of Raritan or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

### **§315-37 Prohibited Conduct**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by **the Borough of Raritan** is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

### **§315-38 Exceptions to Prohibition**

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
  - Beach maintenance equipment immediately following their use for their intended purposes; and
  - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

### **§315-39 Enforcement**

This article shall be enforced by **the Borough of Raritan Police Department**

### **§315-40 Penalties**

Any person(s) who continues to be in violation of the provisions of this article, after being duly notified, shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

## ARTICLE VI – Yard Waste

### **§315-41 Purpose**

An article to establish a yard waste collection and disposal program in **the Borough of Raritan**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### **§315-42 Definitions**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

### **§315-43 Yard Waste Collection**

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this article. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this article.

**§315-44 Enforcement**

The provisions of this article shall be enforced by **the Borough of Raritan Police Department in conjunction with the Department of Public Works.**

**SECTION V. Violations and Penalties:** Any person(s) who is found to be in violation of the provisions of this article shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

ARTICLE VII – Private Storm Drain Inlet Retrofitting

**§315-45 Purpose.**

The purpose of this article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Raritan, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§315-46 Definitions; word usage.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein, unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Raritan or other public body and is designed and used for collecting and conveying stormwater.

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORM DRAIN INLET – An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE – The ocean and its estuaries and all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§315-47 Prohibited conduct**

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering of any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in § 315-31 below prior to the completion of the project.

**§315-48 Design standard**

Storm drain inlets identified in § 315-30 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Subsection C below.

- A. Grates.

(1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(b) A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches or is no greater than 0.5 inch across the smallest dimension.

(2) Examples of grates subject to this standard include grates in grate inlets, the grate (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches or be no greater than two inches across the smallest dimension.

C. This standard does not apply:

(1) Where the Municipal Engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space  $4 \frac{5}{8}$  inches long and  $1 \frac{1}{2}$  inches wide (This option does not apply for outfall netting facilities.); or

(b) A bar screen having a bar spacing of 0.5 inch;

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or

- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C.7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New-Jersey-Register-listed historic property.

**§315-49 Enforcement**

This article shall be enforced by the Borough Police Department and/or the Construction Official of the Borough of Raritan.

**§315-50 Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

ARTICLE VIII – Illicit Connections

**§315-51 Purpose.**

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Raritan, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§315-52 Definitions; word usage.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein, unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE – Waste and wastewater from humans or household operations.

ILLCIT CONNECTION – Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Raritan, unless that discharge is authorized under a NJPDES permit other than the Tier A municipal stormwater general permit (NJPDES Permit No. NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE – Nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b), or (c)].

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Raritan or other public body and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT – A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NONCONTACT COOLING WATER – Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Noncontact cooling water may, however, contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PROCESS WASTEWATER – Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. "Process wastewater" includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

STORMWATER – Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**§315-53 Prohibited conduct**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Raritan any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§315-54 Enforcement**

This article shall be enforced by the Raritan Borough Police Department and/or other officials on behalf of the Borough of Raritan.

**§315-55 Violations and penalties**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

ARTICLE IX – Private-Owned Salt Storage

**§315-56 Purpose**

The purpose of this article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This article establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in **the Borough of Raritan** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§315-57 Definitions**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly

demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number

include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:
  - 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
  - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  - 3. The structure shall be erected on an impermeable slab;
  - 4. The structure cannot be open sided; and
  - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. “Resident” means a person who resides on a residential property where de-icing material is stored.

#### **§315-58 Deicing Material Storage Requirements**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
  - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - 4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;

- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
  - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
- 5. Containers must be sealed when not in use; and
- 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this article are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

#### **§315-59 Exemptions**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the deicing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in **§315-58** above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This article does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

#### **§315-60 Enforcement:**

This article shall be enforced by the Borough of Manville Police Department during the course of ordinary enforcement duties.

#### **§315-61 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this article shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective

action shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

## ARTICLE X – Stream Corridor Protection

### **§315-62 Purpose.**

- A. The governing body of the Borough of Raritan finds that properly vegetated riparian lands adjacent to streams, lakes or other surface water bodies provide important environmental protection and resource management benefits. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along surface water bodies within Raritan, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas.
  
- B. The purpose of this article is to establish minimal acceptable requirements for the design of buffers to protect riparian areas; to protect the water quality of watercourses, lakes and other significant water resources; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of Raritan's land resources.

### **§315-63 Definitions.**

- A. As used in this article, the following terms shall have the meanings indicated:

**ADMINISTRATIVE AUTHORITY** – The Planning Board, Construction Office or Zoning Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

**APPLICANT** – A person, corporation, government body or other legal entity applying to the Planning Board, Construction Office, or Zoning Office to engage in an activity that is regulated by the provisions of this article and that would be located in whole or in part within a regulated riparian zone.

**DISTURBANCE** – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

RIPARIAN ZONE – The land and vegetation within and directly adjacent to all surface water bodies, including but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a special water resource protection area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), CI waters as shown on the USGS quadrangle map or in the county soil surveys.

RIPARIAN ZONE MANAGEMENT PLAN – A plan prepared by a landscape architect, professional engineer or other qualified professional that evaluates the effects of any proposed activity or use on any riparian zone. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected riparian zone.

B. All other words and/or terms utilized in this article shall be as defined or described in the Water Quality Management Planning Rules, N.J.A.C. 7:15; the Stormwater Management Rules, N.J.A.C. 7:8; and/or Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, as they exist as of the effective date of this article and as they may be amended over time.

#### **§315-64 Establishment of riparian zones**

A. Applicability. Except as provided in §315-65 and §315-66 below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance.

B. Applicant's responsibility. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site and for identifying the area of the riparian zone on any plan submitted to the Borough of Raritan in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Borough Engineer and, where required by state regulation, the New Jersey Department of Environmental Protection.

C. Mapping standards. Riparian zones shall be delineated as follows:

- (1) The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water) and all upstream tributaries situated within the same HUC-14 watershed.
- (2) The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
  - (a) Any trout production water and all upstream waters, including tributaries;
  - (b) Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
  - (c) Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
  - (d) Any segment of a water flowing through an area that contains acid-producing soils.
- (3) For all other surface water bodies, a riparian zone measuring 50 feet wide shall be maintained along both sides of the water.
- (4) If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:
  - (a) Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's center line;
  - (b) Along a nonlinear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
  - (c) Along a nonlinear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and

(d) Along an amorphously shaped feature, such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's center line.

(5) The riparian zone shall encompass the one-hundred-year floodplain wherever the floodplain has been delineated.

**§315-65 Permitted uses.**

Unless otherwise provided for by this article, riparian zones shall remain in or be restored to their natural, indigenous state, with no clearing or cutting of trees and brush, altering of watercourses, regrading or construction. For riparian zones in CI waters, permitted uses are governed by the Stormwater Management Rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, unless otherwise exempt. The following shall be permitted uses or activities in all other riparian zones, provided that they do not disturb the indigenous character of the area:

- A. Public and private parkland and open space uses that are primarily passive in character, provided that near-stream vegetation is preserved. These uses do not require compliance with an approved riparian zone management plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, and fishing areas operated for the protection and propagation of wildlife, but excluding structures. Such uses also include swimming and fishing areas, boat launches and unpaved hiking, bicycle and bridle trails, provided that said trails have been stabilized with pervious materials.
- B. Open fences for which a permit has been issued to the extent required by local ordinance.
- C. Crossings by recreational trails, roads, railroads, stormwater lines, sanitary sewer lines, waterlines and public utility transmission lines, subject to approval by the Borough Engineer, provided that the land disturbance is the minimum required to accomplish the permitted use, that any applicable state permits are acquired, that any disturbance is offset by buffer improvements in compliance with an approved riparian zone management plan, and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.
- D. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved riparian zone management plan, or wetlands mitigation projects that have been approved by the New Jersey Department of Environmental Protection, subject to approval by the Borough Engineer and subject to compliance with an approved riparian zone management plan.

- E. Maintenance of landscaping, including removal of dead vegetation, fallen trees and in-channel debris; pruning for reasons of imminent public safety; removal of invasive species.
  
- F. Reconstruction of a structure that predates the adoption of this article in the event of damage or destruction by fire or natural hazards, provided that the reconstruction does not have a greater footprint or total area than that of the damaged structure and no change in land use occurs. Any such reconstruction shall be performed in accordance with current state and federal construction standards within floodplains.

**§315-66 Prohibited uses.**

Any use or activity not specifically authorized in § 315-64, 315-65 or 315-66 of this article shall be prohibited within the riparian zone. By way of example, the following activities and facilities are prohibited:

- A. Removal or clear-cutting of trees and other vegetation or soil disturbance, such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
  
- B. Storage of any hazardous or noxious materials.
  
- C. Alteration of watercourses, regrading, dumping of trash, soil, dirt, fill, vegetative or other debris.
  
- D. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
  
- E. Roads, driveways, or motor vehicle traffic except where otherwise permitted by this article.
  
- F. Impervious parking lots.
  
- G. Any type of permanent structure, except structures needed for a use permitted by § 315-65.

**§315-67 Variances.**

- A. To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), new disturbances for projects or activities in the riparian zone established by this article may be granted a variance by the Planning Board in accordance with N.J.S.A. 40:55D-70 of the Municipal Land Use Law, provided that:
- (1) The disturbance is proposed to be located on a preexisting lot (existing as of the effective date of this article) and there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning;
  - (2) There is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements; or
  - (3) It is demonstrated that the disturbance is necessary to:
    - (a) Protect public health, safety or welfare;
    - (b) Provide an environmental benefit;
    - (c) Prevent extraordinary hardship on the property owner peculiar to the property;  
or
    - (d) Prevent extraordinary hardship, provided that the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment.
- B. If a variance is granted under this section, the applicant shall rehabilitate an environmentally degraded riparian zone within or adjacent to the same site, and at least equivalent in size to the riparian zone reduction permitted, or, if not possible, rehabilitate or expand a riparian zone at least equivalent in size within a nearby site owned by the same applicant, and, if available, within the same watershed.

Rehabilitation shall include reforestation, stream bank stabilization, and removal of debris in accordance with a riparian zone management plan.

- C. If no options exist for the rehabilitation of an alternate riparian zone, the Borough may require a financial contribution be made to an open space or municipal stormwater management plan mitigation plan fund in exchange for this requirement.

**§315-68 Exceptions.**

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this article are allowed:

- A. Reconstruction within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water-dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A; the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13; or the Coastal Zone Management Rules, N.J.A.C. 7:7E;
- E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq.;
- F. Disturbance that would prevent extraordinary hardship on the property owner peculiar to the property; or prevent extraordinary hardship, provided that the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.

**§315-69 Nonconforming structures and uses.**

Nonconforming structures and uses of land within the riparian zone are subject to the following requirements.

A. Legally existing but nonconforming structures or uses may be continued.

B. Any proposed enlargement or expansion of the building footprint within the riparian zone of a CI water shall comply with the standards in the Stormwater Management Rules at N.J.A.C. 7:8-5() and the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13.

C. In non-Category one riparian zones:

(1) Encroachment within the riparian zone shall only be allowed where previous development or disturbance has occurred and shall be in conformance with the Stormwater Management Rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13.

(2) Existing impervious cover shall not be increased within the riparian zone as a result of encroachments where previous development or disturbances have occurred.

(3) Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the riparian zone, as measured against the intent and purpose of this article, than the existing or former nonconforming use.

**§315-70 Performance standards.**

A. All encroachments proposed into riparian zones in CI waters shall comply with the requirements of the Stormwater Management Rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.

B. The following conditions shall apply to all other riparian zones:

- (1) All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the riparian zone to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.
- (2) Any lands proposed for development which include all or a portion of a riparian zone shall, as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the riparian zone which are not vegetated at the time of the application or which were disturbed by prior land uses, including agricultural use. Said vegetation plan shall utilize native and noninvasive tree and plant species to the maximum extent practicable in accordance with an approved riparian zone management plan.
  - A. For building lots which exist as of the date of adoption of this article, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the riparian zone, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the riparian zone.
  - B. All stormwater shall be discharged outside of but may flow through a riparian zone and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.I.S.A. 4:24-39 et seq. (see N.J.A.C. 2:90-1.3). If stormwater discharged outside of and flowing through a riparian zone cannot comply with the Standard for Off-Site Stability, then the proposed stabilization measures must meet the requirements of the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-10.2 et seq. And have an approved flood hazard area permit.

**§315-71 Conservation easement.**

Portions of lots within the riparian zone must be permanently restricted by deed or conservation easement held by the Borough of Raritan, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the riparian zone.

**§315-72 Riparian zone management plan**

Unless otherwise exempt under this article, a landowner, applicant, or developer proposing any activities regulated by this article and requiring major subdivision or site plan approval shall submit a riparian zone management plan to the Borough Engineer as described in this section. The riparian zone management plan shall be prepared by an environmental professional, professional engineer or other qualified professional and fully evaluate the effects of any proposed uses on the riparian zone. A riparian zone management plan is not required where the riparian zone is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the riparian zone.

A. The management plan shall identify existing conditions, including:

(1) Vegetation;

(2) Field-delineated surface water bodies;

(3) Field-delineated wetlands;

(4) One-hundred-year floodplain;

(5) Flood hazard areas, including floodway and flood-fringe areas, as delineated by the New Jersey Department of Environmental Protection;

(6) Soil classifications as found on soil surveys;

(7) Existing subdrainage areas with HUC-14 (Hydrologic Unit Code) designations;  
and

(8) Slopes in each subdrainage area segmented into sections of slopes that are less than 15%; above 15% but less than 20%; and greater than 20%.

B. The management plan shall describe all proposed uses and activities and fully evaluate the effects of those uses and activities in a riparian zone, and describe all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances or enhance the riparian zone.

- C. The management plan shall include provisions in narrative and/or graphic form specifying:
- (1) The manner in which the area within the riparian zone will be owned and by whom it will be managed and maintained.
  - (2) The conservation and/or land management techniques and practices that will be used to conserve and protect the riparian zone.
  - (3) The professional and personnel resources that are expected to be necessary to maintain and manage the riparian zone.
  - (4) A revegetation plan, if applicable, that includes three layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that form an overhead canopy. Vegetation selected must be native, noninvasive species, consistent with the soil, slope and moisture conditions of the site. Dominant vegetation in the riparian zone management plan shall consist of plant species that are suited to the riparian zone environment. The Borough Engineer may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, U.S. Fish and Wildlife Service and/or state or federal forest agencies.
- D. The management plan shall be reviewed by the Borough Engineer, who shall prepare and submit a report with recommendations to the applicable administrative authority prior to the authority rendering a decision.
- E. The applicable administrative authority may require performance guarantees to ensure implementation of the management plan covering a period of not less than two years in the form of a bond, cash or letter of credit, which shall be provided to the Borough prior to the issuance of any permits.

### **§315-73 Appeals**

Any party aggrieved by the location of the riparian zone boundary determination under this article may appeal to the Borough Engineer. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal. Any party wishing to appeal the determination of the Borough Engineer shall file a notice of appeal with the Raritan Borough Council within 20 days of receipt of the Borough Engineer's decision. The

party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

#### **§315-74      Inspections**

Lands within or adjacent to an identified riparian zone may be inspected by an authorized municipal representative as part of the normal review process under the following circumstances:

- A. A subdivision or land development plan is submitted.
- B. A construction permit is requested for new construction which results in a net increase in lot coverage.
- C. A change or resumption of a nonconforming use is proposed.
- D. Excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.

#### **§315-75      Enforcement**

When a riparian zone has been altered in violation of this article, all ongoing development work shall stop and the riparian zone shall be restored. The Borough, through the office of the Borough Engineer, shall have the authority to issue a stop-work order to cease all ongoing development work and order restoration, rehabilitation or replacement measures at the expense of the owner or other responsible party, as appropriate, in order to compensate for violation of the provisions of this article.

### ARTICLE XI – Refuse Containers and Dumpsters

#### **§315-76      Purpose**

An article requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or

otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by **the Borough of Raritan** and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### §315-77 Definitions

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by **the Borough of Raritan** or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

#### SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Raritan.

**§315-78 Exceptions to Prohibition**

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**§315-79 Enforcement**

This article shall be enforced by **the Borough of Raritan Police Department.**

**§315-80 Penalties**

Any person(s) who is found to be in violation of the provisions of this article shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to the penalties as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code.

ARTICLE XII – Tree Removal-Replacement

**§315-81 Purpose:**

An article to establish requirements for tree removal and replacement in **the Borough of Raritan** to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

## §315-82 Definitions

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this article.
- B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a  $CRR = 6" \times 1.5' = 9'$ .
- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree.
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
  - 1. Has an infectious disease or insect infestation;
  - 2. Is dead or dying;
  - 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
  - 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
  - 5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. "Planting strip" means the part of a street right-of-way between the public right-of-way adjacent to the portion of the street reserved for vehicular traffic the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. "Resident" means an individual who resides on the residential property where a tree(s) regulated by this article is removed or proposed to be removed.
- H. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

- I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

### §315-83 Regulated Activities

#### A. Application Process:

- 1. Any person planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a written request outlining the property street address, their contact information, and the size and quantity of the street trees to be removed to **the Borough of Raritan Department of Public Works**. No tree shall be removed until municipal officials have reviewed and approved the removal.
- 2. Trees on private property shall be regulated on major developments as per A.1 above.
- 3. Trees on private property not subject to major developments shall be assessed on a case-by-case basis by Mayor and Council.

#### B. Tree Replacement Requirements

- 1. Any person who removes one or more tree(s) with a DBH of 2.5" or more, unless exempt under §315-84, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- 2. Any person, other than a resident, who removes one or more tree(s) with a DBH of 6" or more per acre, unless exempt under §315-84, shall be subject to the requirements of the Tree Replacement Requirements Table. The species type and diversity of replacement trees shall be in accordance with guidance provided in Appendix A.

Replacement tree(s) shall:

- 1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
- 2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
- 3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- 4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

<u>Category</u>	<u>Tree Remove (DBH)</u>	<u>Tree Replacement Criteria (See Appendix A)</u>	<u>Application Fee</u>
<u>1</u>	<u>DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"</u>	<u>Replant 1 tree with a minim tree caliper of 1.5" for each tree removed</u>	<u>\$50/tree</u>
<u>2</u>	<u>DBH of 13" to 22.99"</u>	<u>Replace 2 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>\$75/tree</u>
<u>3</u>	<u>DBH of 23" to 32.99"</u>	<u>Replacement 3 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>\$100/tree</u>
<u>4</u>	<u>DBH of 33" or greater</u>	<u>Replace 4 trees with minimum tree calipers of 1.5" for each tree removed.</u>	<u>\$200/tree</u>

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- a. Plant replacement trees in a separate area(s) approved by the municipality.
- b. Pay a fee of (amount to be set by municipality on a case-by-case basis) per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

**§315-84 Exemptions**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification, such as statements from a NJ licensed tree expert as per NJ Statute 45:15C-11 or arborist, shall be provided, in writing, to the municipality by all persons claiming an exemption:

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;

- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

#### **§315-85      Enforcement**

This article shall be enforced by the **Borough of Raritan Shade Tree Commission**, **Borough of Raritan Department of Public Works** and/or the **Borough of Raritan Building Department** during the course of ordinary enforcement duties.

#### **§315-86      Violations and Penalties:**

In addition to the penalties noted within this article, any person(s) found to be in violation of the provisions of this ordinance shall be subject to a fine of not less than \$300.00 per tree, or as listed in the Borough's General Penalty Ordinance, located within Article II of §1 of the Borough of Raritan Municipal Code. Violations shall be assessed on a per tree basis. The Borough may elect to require the planting of replacement trees in lieu of fees in a location of the Borough's choosing. In cases where the illicit removal of trees would have resulted in an penalty fee in excess of \$2,000.00, the Borough may elect to evaluate the net worth of the trees removed and levy the resultant value upon the violating party.

**SECTION 4: Referral.** Upon governing body Introduction and First Reading of this Ordinance, the Borough Clerk shall submit a true copy of the same to the Borough Planning Board for Consistency Review of the most recently adopted Master Plan or Reexamination thereof.

**SECTION 5: Severability.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION 6: Repealer.** Should there exist any inconsistency with other ordinance of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinance are hereby repealed, but only to the extent of such inconsistencies.

**SECTION 7: Purpose of Captions.** The captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 8: Effective Date.** This Ordinance shall take effect after adoption, passage, and signature by the Mayor in accordance with N.J.S.A. §40A:60-5(d).

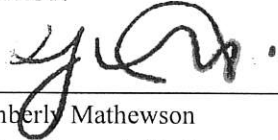
**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was finally Adopted by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey, following the Second Reading and Public Hearing that took place in Council Chambers, 22 First Street, Raritan, New Jersey 08869 on **June 17, 2024 at 6 p.m.** This ordinance shall take effect upon proper publication, as required by law.

ADOPTION:

MOTION	SECOND	MEMBER	YEA	NAY	ABSTAIN	ABSENT
	✓	Agrawal	✓			
		Armahizer	✓			
		DiGraziano	✓			
		Fritzinger				✓
		Patente	✓			
✓		Tozzi	✓			

ATTEST:

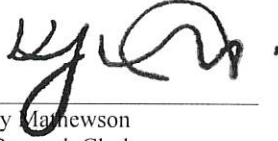


Kimberly Mathewson  
Acting Borough Clerk



Nicolas J. Carra  
Mayor

I HEREBY CERTIFY that the foregoing Ordinance was Adopted by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey, at a Regular Meeting held in Borough Hall, 22 First Street, Raritan, NJ 08869 on Tuesday, June 17, 2024.



Kimberly Mathewson  
Acting Borough Clerk