

TOWNSHIP OF BASS RIVER
Ordinance 2024-

**AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING
TITLE 6 ANIMALS, TITLE 8, HEALTH AND SAFETY, AND TITLE 13
PUBLIC SERVICES OF THE BASS RIVER TOWNSHIP CODE, COUNTY
OF BURLINGTON AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Board of Commissioners of the Township of Bass River, County of Burlington and State of New Jersey, as follows:

- I. **PURPOSE:** The purpose of this Ordinance is to amend Title 6, Animals to add Chapter 6.05, Wildlife Feeding, amend Chapter 6.08, Title 8, Health and Safety to amend Chapter 8.12 and add Chapter 8.25 and Title 13, Public Services to amend Chapter 13.04, of the Code of the Township of Bass River in response to Amendments to N.J.A.C. 7:8 and N.J.A.C. 7:50.

Section I. Title 6, Animals is hereby amended to add Chapter 6.05 entitled “Wildlife Feeding” is hereby added to the Code of the Township of Bass River.

6.05.01 Purpose:

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Bass River to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

6.05.02 Regulated Activities:

No person shall feed, in any public park or on any other property owned or operated by the Township of Bass River, any wildlife.

6.05.03 Exemptions:

Exemptions include unconfined wildlife at environmental education centers and feral cats as part of an approved Trap-Neuter-Release program.

6.05.04 Enforcement:

This ordinance shall be enforced by the Code Enforcement officer of the Township of Bass River.

Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

6.05.05 Violations and Penalties:

Any person(s) found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.

Section II. Title 6, Animals, Chapter 6.08.140 entitled “Curbing of animals” is hereby amended to add the following:

C. Any owner or keeper who requires the use of a disability assistance animal for disabilities such as vision or hearing loss, or other physical disabilities, shall be exempt from the provisions of this section while such animal is being used for that purpose. This exemption is not applicable to pets that are exclusively emotional support animals.

D. This ordinance shall be enforced by the Code enforcement officer for the Township of Bass River.

E. Any person(s) found to be in violation of this Chapter 6.08.140 of this ordinance shall be subject to a fine not to exceed \$500.

Section III. Title 8, Health and Safety, Chapter 8.12, Litter is hereby amended as follows:

Chapter 8.12.040 is deleted in its entirety and replaced with the following:

8.12.040 Litter thrown by persons in vehicle or boat

A. No person while a driver or passenger in a motor vehicle or on a boat shall allow litter to be thrown or discarded or allowed to fall from a vehicle or boat. The operator, owner or both, of the motor vehicle or boat shall be deemed in violation of this Chapter.

B. Exemptions : None

Title 8, Chapter 8.12.060 is deleted in its entirety and replaced with the following:

8.12.060 Enforcement and Penalty:

A. This ordinance shall be enforced by the Code enforcement officer for the Township of Bass River

B. Any person(s) found to be in violation of the provisions of this ordinance shall be subject to a fine no less than \$100 and not to exceed \$500.

Title 8 is hereby amended to add Chapter 8.12.070 entitled “Yard Waste”

8.12.070 Yard Wastet

A. No person shall sweep, rake, blow or otherwise place yard waste into the street unless it is for a scheduled collection.

B. For non-containerized (loose) yard waste collection: Placement of loose yard waste must be at least 10 feet away from any storm drain inlet and no sooner than 7 days prior to a scheduled and announced collection.

C. For containerized yard waste collection: Yard waste shall be placed in an appropriate container at the curb or along the street for collection.

Placement of such yard waste on the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the person responsible for placement of the yard waste shall be in violation of this ordinance and must remove the yard waste immediately.

D. Exemptions : None

E. Enforcement. This ordinance shall be enforced by the Code enforcement officer of the Township of Bass River.

F. Violations and Penalties. Any person(s) found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.

Section IV. Title 8, Health and Safety is hereby amended to add Chapter 8.25 entitled “Privately Owned Salt Storage.”

8.25 Privately Owned Salt Storage

8.25.010 Purpose: The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance 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 all residences in the Township of Bass River to protect the environment, public health, safety and welfare and to prescribe penalties for failure to comply.

8.25.020 De-icing 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 ply-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 is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15th–April 16th.

C. All temporary and permanent storage structures must comply with all other ordinances, including building and zoning regulations.

D. 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 ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents that operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

8.25.030 Exemptions:

A. 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 de-icing 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.

B. 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 Section 8.25.020 D above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

C. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

8.25.040 Enforcement:

This ordinance shall be enforced by the Code enforcement officer of the Township of Bass River during ordinary enforcement duties.

8.25.050 Violations and Penalties:

Any person(s) found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in a fine not to exceed \$1,000 for each day the person is to be found in violation of this provision.

Section V. Title 13 Public Services, Chapter 13.04 entitle “Offshore Manor Wastewater Treatment Facilities” is hereby amended to add the following:

13.04.055 Illicit Connections

A. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Bass River any domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater).

B. Exemptions: None

C. Enforcement: This ordinance shall be enforced by the Code enforcement officer of the Township of Bass River.

D. Violations and Penalties: Any person found to be in violation of the provisions of Chapter 13.04.055 shall be subject to a fine not to exceed \$500.

Section VI. Title 13 Public Services, Chapter 13.04 entitle “Offshore Manor Wastewater Treatment Facilities” is hereby amended to add the following:

13.04.070 Improper Disposal of Waste

A. This ordinance is to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm system (MS4) operated by the Township of Bass River to protect the environment, public health, safety and welfare and to prescribe penalties for failure to comply.

B. The spilling, dumping or disposal of materials other than stormwater that causes the discharge of pollutants to the municipal separate storm sewer system operated by the Township of Bass River is prohibited.

C. Exemptions:

1. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
 2. Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
 3. Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);
 4. Irrigation water (including landscape and lawn watering runoff);
 5. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;
 6. Residential car washing water and dechlorinated swimming pool discharges from single family homes;
 7. Sidewalk, driveway and street wash water;
 8. Flows from firefighting activities including the washing of fire fighting vehicles;
 9. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;
 10. Rinsing of beach maintenance equipment is limited to exterior, undercarriage and exposed parts and does not apply to engines or other enclosed machinery.
 11. Flows from clean water rinsing of equipment and vehicles used in the application of salt and de-icing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and
 12. Rinsing of de-icing equipment is limited to exterior, undercarriage and exposed parts and does not apply to engines or other enclosed machinery.
- D. Enforcement: This ordinance shall be enforced by the Code enforcement officer of the Township of Bass River.

E. Violations and Penalties: Any person(s) found to be in violation of this provision of the ordinance shall be subject to a fine of not less than \$100 and not to exceed \$500 for each incident.

Section VII. Title 13 Public Services, Chapter 13.04 entitled “Offshore Manor Wastewater Treatment Facilities” is hereby amended to add the following:

13.04.080 Private Storm Drain Inlet Retrofitting

A. Purpose. This ordinance requires 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 Township of Bass River to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply. Installation of all new storm drain inlets must include a catch basin or the BMP designed for solids collection in areas which drain to surface waters and that do not have any other downstream BMPS prior to the surface water discharge.

B. Definitions. For purposes of this ordinance, the following terms, phrases, words and their derivation 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, include the singular, and words used in the singular, include the plural. The word “shall” is always mandatory and not merely a direction.

1. “Municipal separate storm sewer system (MS4)” means a conveyance of 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 Township of Bass River or other public body, designed and used for collecting and conveying stormwater.

2. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3. “Storm drain inlet” means any point of entry into the storm water sewer system.

C. Regulated Activities:

1. No person in control of private property (except 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 any surface that is in direct contact with any 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 Section D below prior to the completion of the project.

2. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by the Township’s Stormwater Control Ordinance:

a. Privately-owned or operated storm drain inlets (e.g. condominium association) must be retrofitted where the storm drains are:

(i) In direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or

(ii) In direct contact with any reconstruction or alteration of facilities. This does not include single family homes.

3. Grates in pavement or other ground surfaces shall meet either of the following standards:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtofac.pdf); or

b. A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches or is not 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.

(i) Examples of grates subject to this standard include grates in grate inlets; the grate portion (noncurb 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 used to collect stormwater from the surface into a storm drain or surface water body.

(ii) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in the 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.) inches across the smallest dimension.

D. Exemptions: The following exemptions from the design standard apply:

1. Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;

2. Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

3. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g. 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 inches long and one and one-half inches wide; or

b. A bar screen having a bar spacing of 0.5 inches;

(i) 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.)

4. Where flows are conveyed through a trash rack that has parallel bars with one inch (1”) spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or

5. Where the Department 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 the standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. Enforcement: This ordinance shall be enforced by the Code enforcement officer of the Township of Bass River.

F. Violations and Penalties: Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 for each storm drain inlet that is not retrofitted to meet the design standard.

Section VIII. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section IX. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Board of Commissioners hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

Section X. This Ordinance shall take effect upon passage and publication according to law.

ALL OF WHICH IS ADOPTED this 8th day of July, 2024, by the Bass River Township Board of Commissioners.

Jenny Gleghorn, RMC/CMR

William Adams, Mayor

PUBLIC NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Commissioners of the Township of Bass River at a meeting held on the 10th day of June, 2024. The Ordinance will be considered for final adoption after a public hearing to be held at the Township of Bass River Town Hall located at North Maple Avenue, New Gretna, New Jersey, on July 8, 2024 at 7:00 p.m.