

AN ORDINANCE AMENDING
CHAPTER 16, ENVIRONMENTAL
REGULATIONS, SECTION 3 – USE OF
FERTILIZERS OF THE REVISED
ORDINANCES OF THE BOROUGH OF
RINGWOOD IN ITS ENTIRETY

BE IT ORDAINED that the Municipal Council of the Borough of Ringwood hereby amend Chapter 13, Section 3 of the Revised Ordinances of the Borough of Ringwood in its entirety as follows:

Section 16-3.1 Purpose

An ordinance to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This ordinance does not apply to fertilizer application on commercial farms.

Section 16-3.2 Basis and Background

Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.

While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterway, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soil test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

This ordinance does not apply to application of fertilizer on commercial farms, but improper application of fertilizer on farms would be problematic as well. Stewardship on the part of commercial farmers is needed to address this potential source of excess nutrient load to waterbodies. Commercial farmers are expected to implement best management practices in accordance with conservation management plans or resource conservation plans developed for the farm by the Natural Resource Conservation Service and approved by the Soil Conservation District Board.

Section 16-3.3 Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivatives shall be the meanings stated herein unless their use in the text of this Ordinance 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. *Buffer* – the land area, 25 feet in width, adjacent to any waterbody where the lot area is 20,000 square feet or more. For lots less than 20,000 square feet in area, the land area, 10 feet in width, adjacent to any waterbody provided a drop spreader is used for fertilizer application.

- b. *Commercial farm* – a farm management unit producing agricultural or horticultural products worth \$2,500 or more annually.

- c. *Fertilizer* – means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale or intended for sale.

- d. *Impervious surface* – a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway or other material that prevents infiltration of water into the soil.

- e. *Person* – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

- f. *Phosphorus fertilizer* – any fertilizer that contains phosphorus, expressed as P₂O₅ with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

- g. *Soils test* – a technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

- h. *Waterbody* – a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

Section 16-3.4 Prohibited Conduct

No person may do any of this following:

- a. Apply fertilizer when a runoff producing rainfall is occurring or when it is predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
- b. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
- c. Apply fertilizer within the buffer of any waterbody.
- d. Apply fertilizer more than 15 days prior to March 15 or after October 31.

Section 16-3.5 Phosphorus Fertilizer Application

No person may do the following:

- a. Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.
- b. Exceptions:
 - 1. Application of phosphorus fertilizer needed for:
 - a. establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under then Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules,
 - b. re-established or repairing turf area.
 - 2. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
 - 3. Application of phosphorus fertilizer to residential container plantings, flowerbeds or vegetable gardens.

Section 16-3.6 Enforcement

This Ordinance shall be enforced by the Health Department of the Borough of Ringwood.

Section 16-3.7 Violations and penalties

Any person(s) found to be in violation of the provisions of this Ordinance shall be subject to the penalties stated in Chapter 1, Section 1-5. However, in the case of a property owner who applied fertilizer in violation of this Ordinance, a written admonition in lieu of any penalty shall be imposed for the first offense.

Section 16-3.8 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 16-3.9 Effective date

This Ordinance shall be in full force and effect 20 days after adoption. This Ordinance will be advertised as required by law.

WALTER J. DAVISON, MAYOR

KELLEY A. ROHDE, RMC
BOROUGH CLERK

Introduced: July 23, 2009
Public Hearing: August 20, 2009
Effective: September 9, 2009

LEGAL NOTICE
BOROUGH OF RINGWOOD
COUNTY OF PASSAIC
NEW JERSEY

Ordinance No. 2009-#09

AN ORDINANCE AMENDING CHAPTER 16,
ENVIRONMENTAL REGULATIONS,
SECTION 3 – USE OF FERTILIZERS OF THE
REVISED ORDINANCES OF THE
BOROUGH OF RINGWOOD IN ITS
ENTIRETY

NOTICE is hereby given that the ordinance published herewith was introduced and passed first reading at a Meeting of the Municipal Council of the Borough of Ringwood, in the County of Passaic, New Jersey held at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey on Thursday, July 23, 2009, and will be considered for final passage at a Business Meeting of said Municipal Council of the Borough of Ringwood to be held on Thursday, August 20, 2009 at 8:00 p.m., or as soon thereafter as same can be considered, at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same.

KELLEY A. ROHDE, RMC
BOROUGH CLERK

It: Sunday, August 2, 2009
Fees: \$
The Suburban Trends

LEGAL NOTICE
BOROUGH OF RINGWOOD
COUNTY OF PASSAIC
NEW JERSEY

Ordinance No. 2009-#09

AN ORDINANCE AMENDING CHAPTER 16,
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SECTION 3 – USE OF FERTILIZERS OF THE
REVISED ORDINANCES OF THE
BOROUGH OF RINGWOOD IN ITS
ENTIRETY

NOTICE is hereby given that the above ordinance was adopted at the Business Meeting of the Municipal Council of the Borough of Ringwood, in the County of Passaic, New Jersey held at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, on Thursday, August 20, 2009 shall become effective twenty (20) days from the date of passage.

BY THE ORDER OF THE MUNICIPAL COUNCIL

KELLEY A. ROHDE, RMC
BOROUGH CLERK

It: Wednesday, August 26, 2009
Fees: \$
The Trends