

**TOWNSHIP OF CHATHAM
NOTICE OF
INTRODUCTION**

ORDINANCE 2009-15

I, Joy M. Wiley, Municipal Clerk of the Township of Chatham, do hereby certify that the following ordinance was introduced on first reading at a regular meeting held on August 13, 2009 and said ordinance will be submitted for consideration and final passage at a regular meeting to be held on September 10, 2009 at 7:30 p.m., in the Municipal Building at which time and place any person who may be interested therein will be given an opportunity to be heard concerning said ordinance.

Dated: August 14, 2009

Joy M. Wiley
Municipal Clerk

ORDINANCE 2009-15

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO REGULATE
FERTILIZER APPLICATION**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, New Jersey, that the Code of the Township of Chatham is hereby amended to add the following section to regulate fertilizer application, as follows:

SECTION I. 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 II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning.

- a. Buffer - the land area, 10 feet in width, adjacent to any waterbody, except that for any fertilizer application between 10 feet and 25 feet from any water body, a drop spreader must be used.

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

SECTION IV. Prohibited Conduct: No person may do any of the following:

- a) Apply fertilizer when a runoff producing rainfall is occurring or predicted within 12 hours 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 the start of or at any time after the end of the recognized growing season which is USDA Plant Hardiness Zone 6b (March 1 to November 15).

SECTION V. 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 a 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 the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules,
 - b. re-established or repairing a 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 VI. Enforcement:

This ordinance shall be enforced by the Building Department, Township Engineer or his designee and Police Department of the Township of Chatham.

SECTION VII. Violations and Penalties:

Any person(s) found to be in violation of the provisions of this ordinance shall be subject to one warning. After the first warning, the fine for a second violation shall not exceed \$500.00. For each subsequent violation, the fine shall not exceed \$1,000.00 per violation.

SECTION VIII. 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 IX. Effective Date. This ordinance shall take effect as provided by law.

Introduced: August 13, 2009

Adopted:

TOWNSHIP OF CHATHAM, COUNTY
OF MORRIS, STATE OF NEW JERSEY

Kevin R. Tubbs, Mayor

ATTEST:

Joy M. Wiley, Clerk