ORDINANCE - 2005-33

AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF COLTS NECK TO ESTABLISH CHAPTER 151 ENTITLED "LOW PHOSPHORUS FERTILIZER"

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

1. That The Code of the Township of Colts Neck is hereby amended and supplemented to create new Chapter 151 entitled "Low Phosphorus Fertilizer" as follows:

## CHAPTER 151
## Low Phosphorous Fertilizer

§151-1 Purpose:

An ordinance to prohibit the outdoor application of fertilizer other than low phosphorus fertilizer in the Township of Colts Neck, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§151-2 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 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. Fertilizer – any substance containing one or more recognized plant nutrients which is used for its plant nutrient content, and which is designed for use or claimed to have value in promoting plant growth; except that it shall not be considered to include animal or vegetable manure or compost.

b. Low Phosphorus Fertilizer – a fertilizer for which the guaranteed analysis, stated in whole numbers, of available phosphoric acid is zero.

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

§151-3 Prohibited Conduct

It shall be unlawful to apply outdoors any fertilizer other than low phosphorus fertilizer.

§151-4 Exceptions to Prohibition:

a. Any application of fertilizer at a commercial farm that is exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

b. Any application of fertilizer needed for establishing new vegetation after land disturbance 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.

§151-5 Enforcement:

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of The Township of Colts Neck.

§151-6 Violations and penalties:

Unless otherwise specified herein, for a violation of any provision of this Article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding $1,000.00 or community service not exceeding 90 days, or any combination thereof.

2. Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

3. Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

4. Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

5. This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Committee of the Township of Colts Neck on the 21st day of December, 2005

Benjamin T. Forester, Mayor

Robert Bowden, Township Clerk

| ORDINANCE READING | DATE |
|---|---|
| 1ST READING BY TITLE: | November 30, 2005 |
| 2ND READING BY TITLE: | December 21, 2005 |

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
|---|---|---|---|---|---|
| RECORD OF VOTE | MAYOR FORESTER | DEPUTY MAYOR FLOREK | BURRY | HENNESSY | STUART |
| *Motion To Approve* | | X | | | |
| *Motion Seconded* | | | | X | |
| *Approve* | X | X | | X | |
| *Opposed* | | | X | | X |
| *Not Voting/Recuse* | | | | | |
| *Absent/Excused* | | | | | |