ORDINANCE 2024-14

**AN ORDINANCE OF COLTS NECK TOWNSHIP,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
ESTABLISHIBG A NEW CHAPTER IN PART II: GENERAL LEGISLATION
ENTITLED "FIRE PREVENTION – OUTDOOR BURNING"
OF THE CODE OF THE TOWNSHIP OF COLTS NECK**

WHEREAS, N.J.S.A. Title 5 – Community Affairs, Chapter 70 – Uniform Fire Code does not regulate open outdoor burning in fire pits, chimineas, outdoor fireplaces and the alike associated with owner occupied residential properties; and

WHEREAS, The Colts Neck Township Committee finds it is in the best interest of the Township to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazard of outdoor burning associated with residential uses; and

WHEREAS, the Township Code does not technically permit, nor appropriately regulate outdoor fires associated with residential recreational activities; and

WHEREAS, it is hereby declared to be in the best interest of the health, safety and welfare of the residents of Colts Neck to adopt regulations allowing outdoor fires associated with residential uses.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck, in the County of Monmouth, and the State of New Jersey as follows:

SECTION I That the Code of the Township of Colts Neck is hereby amended and supplemented to add a new Chapter in Part II – General Legislation entitled "Fire Prevention – Outdoor Burning" as follows;

Fire Prevention – Outdoor Burning

1 Outdoor burning, legislative findings – policy – applicability.

A. The Colts Neck Township Committee finds that open burning and burning of combustible materials in a residential setting may pose a serious hazard to the public health, safety, general welfare, and the quality of life of Colts Neck residents. The public has a right to and should be ensured of an environment free from noxious fumes and the threat of fire. It is the policy of Colts Neck to prevent the danger of fire from outdoor burning which is a detriment to the public health, comfort, safety, welfare, and quality of life

B. The necessity in the public interest for the provisions, prohibitions, and controls hereinafter contained and enacted is declared as a matter of legislative determination and public policy and are for the purpose of securing and promoting the public health, comfort, safety and general welfare and quality of life of the residents of Colts Neck.

2. Definitions.

For the purposes of this Chapter the following definitions shall apply:

"Fire pit," means a pit dug into the ground or encased in a noncombustible surrounding structure in which a fire is kept burning.

"Firewood," means trunks and branches of trees and brushes, but does not include leaves, needles, vines, brush smaller than three inches in diameter or yard waste.

"Manufactured chiminea, outdoor fireplace and outdoor fire pit," means approved containers for open burning as defined by the manufacturers.

"Nuisance, "means any order, emission, or event that prevents the reasonable use of one's property.

"Outdoor Burning," means an outdoor fire where wood or any other combustible materials are burned. Outdoor burning is allowed at a residential property or vacant lot without a permit, provided the regulations as set forth herein are met.

"Treated lumber," means dry wood which has been milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

"Untreated lumber," means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

3. Outdoor burning regulations.

A. Outdoor burning in approved containers (noncombustible manufactured chiminea, outdoor fireplace, outdoor fire pit or other proper noncombustible stone, cement, brick, tile or metal fire pit) shall be allowed without a permit at a residential property or vacant lot.

B. Fires shall be limited to a maximum three foot diameter and two feet in height, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other proper noncombustible stone, cement, brick, tile or metal fire pit materials approved by the Fire Official or Fire Chief.

C. Fires must be kept 10 feet from any structure or combustible exterior wall.

D. Fires must be kept 20 feet from a side or rear property line. No fires shall be permitted in a front yard.

E. Fires must be constantly attended.

F. A fully functioning fire extinguisher must be available for fire extinguishment purposes whenever any fire is ongoing. A garden hose connected to a reliable water supply or five gallon bucket of water can be used as an alternative to a fire extinguisher.

G. At any time and should prevailing winds cause the sustained smoke from said outdoor burning to blow into a neighboring dwelling or property, said fire must be extinguished immediately. The Fire Official, Fire Chief or Code Enforcement Officer or their designee are authorized to require that any residential outdoor fire be immediately extinguished, if in their opinion said fire constitutes a nuisance or hazardous condition.

H. Permitted fuel. Only firewood and untreated lumber are permitted to be burned. Burning of any other material, including, but not limited to garbage, rubber, plastics, glass, paper products and yard waste is prohibited.

I. All outdoor fires as set forth herein shall be extinguished no later than one a.m. or ignited prior to 6 a.m.

J Should the Fire Official, Fire Chief, Code Enforcement Officer or designee determine that a chiminea, outdoor fireplace, fire pit or other noncombustible stone, cement, brick, tile or metal fire pit is unsafe, said fire pit may be order not to be used until said pit is deemed safe.

K. The Fire Official, Fire Chief, Code Enforcement Officer or designee may order any outdoor fire which creates a nuisance to be extinguished.

L. Agricultural burning in accordance with a permit issued by the State Fire Service in the New Jersey Department of Environmental Protection are exempt from the provisions of this chapter.

4. Enforcement

A. This chapter shall be administered by the Fire Official, Fire Chief or Code Enforcement Officer.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be liable to a fine not exceeding the sum of one thousand two hundred fifty dollars ($1,250).

SECTION II 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.

SECTION III 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.

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

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

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 24th day of April 2024. A public hearing will be held on May 8, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	April 24, 2024					May 8, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss	M		X									
Viola			X									
Bartolomeo			X									
Fitzpatrick		S	X									
M - Moved S - Seconded	X - indicates vote			NV - Not Voting		Ab - Absent						

ORDINANCE 2024-15

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "DEVELOPMENT REGULATIONS"

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, a need exists to regulate the storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers in residential zones to maintain the aesthesis, safety and overall well-being the Township; and

WHEREAS, uncontrolled storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers in residential zones may lead to visual blight, obstruction to emergency services and a potential safety hazard; and

WHEREAS, the Colts Neck Township Committee finds that it is in the public interest to establish guidelines regulating the storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers in residential zones to strike a balance between the rights of property owners to use and enjoy their properties while respecting the rights of the general public.

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

SECTION I: That Section 102-84, "A-1 and A-2 Agricultural Residential Districts; A-3 Village Residential District" is hereby amended and supplemented in the following parts only.

§102-84C. Accessory uses.

(4) ~~Travel trailers, campers trailers, boats and boat trailers and~~ sSolar energy panels mounted at ground level, to be located ~~or parked~~ in rear and side yards only and which shall be screened from view from public streets ~~and neighboring properties~~ by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.

(20) Storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers.

(a) No more than a total of two travel trailer, camper trailer, recreational vehicle, boat, boat trailer, boat on trailer, watercraft, watercraft(s) on trailer, utility trailer and/or other trailer may be parked or stored on any property.

(b) All travel trailer, camper trailer, watercraft, boat, boat trailer, recreational vehicle, utility trailer and/or other trailer parked or stored must have a valid registration.

(c) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(d) Travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer shall be screened from adjoining side or rear (not front) property lines for the length or width or the trailer by a contiguous six foot solid fence or landscaping capable of creating a 6 foot all season screen within three years of planting a minimum 25 feet from said trailer, watercraft and/or vehicle if adjoining a residential property.

(e) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer shall be parked or stored in a minimum side or rear yard setback.

(f) No travel trailer, camper trailer, recreational vehicle, watercraft, boat trailer, utility trailer and/or other trailer with more than 2 rear axles (duel axles) shall be parked or stored on any property.

(g) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer shall be used for permanent or temporary occupancy. (See §102-80 Trailers)

(h) All travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer or other trailer parked or stored must be the property of the property owner or resident tenant.

(i) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer which is in a state of substantial disrepair or derelict may be parked or stored.

(k) The provisions of this section shall not apply to commercial farms.

SECTION II: That Section 102-85.3, "A-7 Residential District" is hereby amended and supplemented in the following parts only.

§102-85.3C. Accessory uses.

(4) ~~Travel trailers, campers trailers, boats and boat trailers and~~ sSolar energy panels mounted at ground level, to be located ~~or parked~~ in rear and side yards only and which shall be screened from view from public streets ~~and neighboring properties~~ by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.

(13) Storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailer.

(a) No more than a total of two travel trailer, camper trailer, recreational vehicle, boat, boat trailer, boat on trailer, watercraft, watercraft(s) on trailer, utility trailer and/or other trailer may be parked or stored on any property.

(b) All travel trailer, camper trailer, boat, boat trailer, recreational vehicle, watercraft, utility trailer and/or other trailer parked or stored must have a valid registration.

(c) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(d) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in a minimum side or rear yard setback.

(e) No travel trailer, camper trailer, recreational vehicle, boat trailer, watercraft, utility trailer and/or other trailer with more than 2 rear axles (duel axles) shall be parked or stored on any property.

(f) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, utility trailer and/or other trailer shall be used for permanent or temporary occupancy. (See §102-80 Trailers)

(g) All travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer or other trailer parked or stored must be the property of the property owner or resident tenant.

(h) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer which is in a state of substantial disrepair or derelict may be parked or stored.

(i) The provisions of this section shall not apply to commercial farms.

SECTION III: That Section 102-86 "AG Agricultural District" is hereby amended and supplemented in the following parts only.

§102-86D. Accessory uses.

(9) ~~Travel trailers, campers trailers, boats and boat trailers and~~ sSolar energy panels mounted at ground level, to be located ~~or parked~~ in rear and sides yards only and which shall be screened from view from public streets ~~and neighboring properties~~ by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.

(19) Storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailer.

(a) No more than a total of two travel trailer, camper trailer, recreational vehicle, boat, boat trailer, boat on trailer, watercraft, watercraft(s) on trailer, utility trailer and/or other trailer may be parked or stored on any property.

(b) All travel trailer, camper trailer, boat, boat trailer, recreational vehicle, watercraft, utility trailer and/or other trailer parked or stored must have a valid registration.

(c) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(d) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in a minimum side or rear yard setback.

(e) No travel trailer, camper trailer, recreational vehicle, boat trailer, watercraft, utility trailer and/or other trailer with more than 2 rear axles (duel axles) shall be parked or stored on any property.

(f) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be used for permanent or temporary occupancy. (See §102-80 Trailers)

(g) All travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer or other trailer parked or stored must be the property of the property owner or resident tenant.

(h) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer which is in a state of substantial disrepair or derelict may be parked or stored.

(i) The provisions of this section shall not apply to commercial farms.

SECTION IV 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.

SECTION V 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.

SECTION VI Inconsistent ordinance.

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

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

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 8th day of May 2024. A public hearing will be held on June 12, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	May 8, 2024					June 12, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

ORDINANCE 2024-16

CAPITAL ORDINANCE PROVIDING FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS, BY AND IN COLTS NECK TOWNSHIP, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $2,623,250 THEREFOR ($2,282,767 FROM THE CAPITAL IMPROVEMENT FUND AND A $340,483 GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) TO PAY FOR THE COST THEREOF

WHEREAS, Colts Neck Township, in the County of Monmouth, State of New Jersey (the "Township"), wishes to undertake various general capital improvements and/or acquisition and installation, as applicable, of equipment and vehicles, in and throughout the Township; and

WHEREAS, the cost of said improvements or purposes is estimated to be $2,623,250; and

WHEREAS, the Township desires to authorize the appropriation and expenditure of $2,623,250 ($2,282,767 from the Capital Improvement Fund and a $340,483 Grant from the New Jersey Department of Transportation (the "NJDOT Grant")) to undertake various general capital improvements and/or acquisition and installation of equipment and vehicles.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF COLTS NECK TOWNSHIP, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), **AS FOLLOWS**:

SECTION 1. The capital improvements or purposes described below are hereby authorized as general capital improvements to be undertaken by the Township. For said improvements or purposes, there is hereby appropriated the amount of $2,623,250 ($2,282,767 from the Capital Improvement Fund and the sum of the NJDOT Grant) to undertake various general capital improvements and/or acquisition and installation, as applicable, of various equipment and vehicles including, for the **Police Department**: vehicle improvements including, but not limited to, vehicle standardization and upfittings, two (2) mobile data terminals, two (2) vehicle printers, and two (2) stalker radars; traffic safety improvements including, but not limited to, a

message board and speed sign trailer, two (2) vehicle license plate recognition systems, two (2) stationary license plate recognition systems, a light tower, a hand held Lidar unit; investigation and public safety improvements including, but not limited to, a drone and a supercomputer; firearm improvements including, but not limited to, sixteen (16) rifle silencers and six (6) shotguns, and body worn cameras; and firearm range improvements including, but not limited to, trailer upfittings and improvements, utility, paving, grading and storage improvements ($178,900); for the **Fire Department**: turnout gear, two (2) battery operated K12 saws, and two (2) battery operated chainsaws ($28,750); for the **First Aid Squad**: kitchen facility, kitchen and hallway floor, breezeway door, and electrical box improvements ($17,100); for the **Recreation Department**: miscellaneous equipment and supplies ($5,000); for the **Department of Public Works**: restroom annex and salt shed improvements, a pickup truck, a truck lift, an asphalt tamper, a roll off skid, a drain inspection camera, and artificial turf improvements for the multi-purpose field ($272,500); for **Administration**: computer hardware, software, printer and miscellaneous equipment improvements ($14,000); and for **Roads**: roadway improvements including, but not limited to, Heyers Mill Road (to which the NJDOT Grant is allocable), and various other road and inlet improvements as deemed necessary by the Township, said improvements to include, but not be limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, installation of curbing and driveway aprons, resetting utility castings, drainage and inlet improvements, roadway painting, landscaping and aesthetic improvements ($2,107,000).

SECTION 2. The expenditure of the $2,623,250 consisting of an appropriation of $2,282,767 from the Capital Improvement Fund and the sum of the NJDOT Grant for the improvements or purposes set forth in Section 1 hereof is hereby authorized and approved. The Mayor, the Clerk, the Chief Financial Officer and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement to undertake the improvement or purpose set forth herein and to effectuate the transaction contemplated hereby.

SECTION 3. The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file in the Office of the Clerk and is available for public inspection.

SECTION 4. This ordinance shall take effect immediately after final adoption as described in N.J.S.A. 40:49-2.

ADOPTED ON FIRST READING
DATED: May 8, 2024

_____
TRINA LINDSEY,
Clerk of Colts Neck Township

ADOPTED ON SECOND READING
DATED: May 22, 2024

_____
TRINA LINDSEY,
Clerk of Colts Neck Township

RECORD OF VOTE										
	First Reading					Second Reading				
	May 8, 2024					May 22, 2024				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Rizzuto										
Deputy Mayor Buss										
Viola										
Bartolomeo										
Fitzpatrick										
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent										