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VILLAGE OF RIDGEWOOD

ORDINANCE NO. 3200

AN ORDINANCE TO ESTABLISH CHAPTER 187
OF THE CODE OF
THE VILLAGE OF RIDGEWOOD,
TITLED "FERTILIZER APPLICATION"

BE IT ORDAINED by the Village Council of the Village of Ridgewood:

Section 1. Purpose: An Ordinance to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering the Village's various waterways, thereby helping to protect and improve surface water quality. This ordinance is part of the Village of Ridgewood's requirements for compliance with requirements of the Tier A Municipal Stormwater General Permit NJPDES Permit No. NJG0152170.

The Village Council of the Village of Ridgewood finds that the regulation of fertilizer application in the Village will assist in reducing elevated levels of nutrients, particularly phosphorus, in surface waterbodies which can result in excess and accelerated growth of algae and aquatic plants (eutrophication) in the receiving bodies of water. Excess plant growth can result in diurnal variations and extremes in dissolved oxygen and pH levels, which, in turn can be detrimental to aquatic life. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply. This ordinance provides a means to regulate fertilizer application and to prescribe penalties for the failure to comply.

Section 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. Buffer – shall mean the land area, minimum of 10-feet in width for properties in the R-1, R-2, and R-125 Zoning districts of the Village, adjacent to any waterbody.
- B. 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.

- C. Impervious Surface – means any street, highway, parking lot, sidewalk, driveway, avenue, boulevard, road, parkway, viaduct, drive, or other way, which has been covered with a layer of material so that it is highly resistant to infiltration by water. An impervious surface shall also mean any material that prevents the infiltration of water into the soil.
- D. Person – any individual, property owner, corporation, company, partnership, firm, association or political subdivision of the State of New Jersey subject to the municipal jurisdiction of the Village of Ridgewood.
- E. 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.
- F. 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.
- G. Waterbody – any surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

Section 3. Prohibited Conduct: No person, entity, business or commercial venture, or organization may perform the following:

- A. Apply fertilizer when a runoff producing rainfall event is occurring or predicted and/or when soils are saturated and a potential for fertilizer migration 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, properly labeled container for reuse.
- C. Apply fertilizer within the established buffer of any water body in the Village of Ridgewood.
- D. Apply fertilizer more than 15 calendar days prior to the start of or at any time after the end of the recognized Growing Season. According to the United States Department of Agriculture (USDA) Plant Hardiness Zone maps, available in The Standards for Soil Erosion and Sediment Control in

New Jersey, July 1999 edition, the Village of Ridgewood shall be considered in Growing Season Zone 6b, with the effective dates of March 1 to November 15 of each year.

- E. Apply fertilizer to any property or portion of a property that is within stream buffer corridor by any means other than a drop spreader or low pressure hand applied liquid fertilizer, with the discharging nozzle held vertically no more than 3-feet above the vegetation being fertilized.

Section 4 Phosphorus Fertilizer Application and Use: No person, entity, business or commercial venture, or organization may perform the following:

- A. Apply phosphorus containing fertilizer in an outdoor area, except as demonstrated to be needed for the specific soils and target vegetation in accordance with a laboratory analysis of the soil and the associated annual fertilizer recommendation issued by the Rutgers Cooperative Research and Extension service.
- B. Permitted 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 Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules,
 - b. Establishing vegetation after a project that has been issued a Village of Ridgewood site grading permit in accordance with Ordinance No. 3035 has been completed,
 - c. Re-establishing or repairing a turf area.

Section 5 Enforcement: This Ordinance shall be enforced by the Village of Ridgewood Police Department, and/or the Director of the Department of Public Works and/or his/her designated representative, and/or the Village of Ridgewood designated property maintenance enforcing agent.

Section 6. Violations and Penalty: Any person, property owner, agent of a property owner, landscaper, commercial entity, organization or such found to be in violation of the provisions of this ordinance shall be subject to a minimum fine of \$100.00 per violation, not to exceed \$2,000.00.

Section 7. 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 8. Effective Date: This Ordinance shall take effect immediately upon passage and publication as required by law.

FOR AFFIRMANCE: Councilmembers: Aronsohn, Killion, Mancuso, Zusy and Mayor Pfund

NAYS: None

ABSENT: None

ABSTAIN: None

Introduction Date: June 10, 2009

Adoption Date: July 8, 2009

Effective Date: July 28, 2009



David T. Pfund, Mayor

ATTEST:



Heather A. Mailander, Village Clerk