

Title 8 HEALTH AND SAFETY

Chapters:

Chapter 8.04 ALARM SYSTEMS

Sections:

8.04.010 Purpose.

The purpose of this chapter is to provide standards and regulations for various types of intrusion, burglar, fire and other emergency alarm devices and equipment, whether they operate by producing a visual or audible signal whether by direct line, radio, telephone or other means of activating a device requiring response thereto by the police department, fire department or other agencies serving the municipality.

(Prior code § 6-14.1)

8.04.020 Scope.

The provisions of this chapter shall apply to alarm businesses and to any person who operates, maintains or owns any alarm device, dial alarm or local alarm designed to produce a visual or audible signal of an emergency or designed to summon the police department, fire department or any agency serving the municipality to any location in response to any type alarm signal. The terms of this chapter shall, in no way, prohibit alarm companies from providing service by private source to other locations within or without the borough, so long as such ctivity is not connected to the police department, except, however, that any person having a premise protected by such an alarm device shall still be responsible for the registration in accordance with Section 8.04.040.

(Prior code § 6-14.2)

8.04.030 Definitions.

As used in this chapter:

"Alarm business" means any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to an alarm system, or which causes any of these activities to take place.

"Alarm console" means the console, panel or collection of devices giving a visual and/or audio response and located within the confines of the police or fire department of the borough.

"Alarm device" means any type of alarm system activating equipment in the alarm console providing warning of intrusion, fire, smoke, floor or other peril.

"Alarm installation" means any alarm device or combination of devices installed for one or more buildings at a location other than the alarm console.

"Alarm system" means equipment or a device or an assembly of equipment and devices designed to signal the presence of an emergency or hazard requiring urgent attention and to which police or fire department or any other services may be expected to respond.

"Designated representative" means any person designated by the police chief to perform a function required or permitted by the provision of this chapter. The term "designated representative" shall be limited to members of the borough police department or employees of the police department assigned to and working in the communications department.

"Dial alarm" means any type of alarm using telephone lines transmitting an alarm directly through the police or fire phone system providing warning of intrusion, fire, smoke, flood or other peril.

"False alarm" means any alarm or signal of an alarm system actuated by inadvertence or negligence, (or by an event that does not require an emergency response) intentional or unintentional by a person other than an intruder or etc. and shall include as well, alarms caused by malfunctioning of the alarm device or other relevant equipment, but shall not include alarms caused by malfunction of the alarm console of the police or fire department.

"Fire alarm" means an alarm detecting the presence of a fire by sensing heat or smoke or by monitoring the pressure or flow of water in suppression systems.

"Fire official" means the individual appointed by the borough council pursuant to Chapters 3.16, 8.12, 8.16, 8.20 and 8.48 of this code.

"Local alarm" means any alarm or device which, when actuated, produces a signal not connected to another source such as store burglar alarms or fire alarms actuating bell devices.

"Permittee" means any person owning an alarm device or a local alarm within the scope of this chapter.

"Police chief" means the chief of police of the borough or his or her designated representative.

(Prior code § 6-14.3)

8.04.040 Registration or permits.

- A. No person shall install, operate or maintain any alarm system unless the system has been registered and approved by the chief of police for burglar/intruder/robbery alarms or by the fire official for fire alarms. The chief of police or fire official may make rules and regulations which interpret or amplify any provision of this chapter or for the purpose of administering the provisions of this chapter or making them more effective. No regulation shall be inconsistent with or alter or amend any provision of this chapter or the Uniform Fire Code and no regulation shall impose any requirement which is in addition to or greater than the requirements that are expressly or by implication imposed by any provision of this chapter.
- B. The alarm system shall be deemed registered at such time as the permit is issued. Any person who owns or operates an alarm device or system, no matter what type, shall make application for a continuance or installation thereof, in writing, to the chief of police, which application shall include, among other data: the name, type and location of the device; the name, address and twenty-four (24) hour telephone number of the alarm installer or person responsible for its maintenance; a list of persons to be contacted in the event of an alarm; the person responsible for remitting any fees or fines assessed under this chapter; and such other information as the chief of police may deem pertinent. The chief of police shall provide to the fire official a copy of this registration for any fire alarm within three working days of its receipt. The police chief or fire official shall issue a permit for the alarm system when all of the code or ordinance requirements are met.

- C. Alarms shall be registered when the occupant or owner of the building in which the alarm is installed shall have filed a registration form with the chief of police and received approval of such registration from the chief of police or fire official and a fee of five dollars (\$5.00) has been remitted to the borough.
- D. No further registration or renewal will be required unless there is a material change in the information submitted with respect to any alarm system. It shall be the duty of the owner/occupant of the building served by an alarm system, within ten (10) days of any change in the registration information, to notify the chief of police or fire official by completing a new registration form. Failure to comply with these provisions will be deemed violation of this chapter and will subject the violator to the penalties set forth herein.

(Prior code § 6-14.4)

8.04.050 General regulations.

- A. Dial alarms shall be coded to dial a special, separate number, which number may be obtained from the chief of police. No dial alarm shall be coded to dial the number of the general police or fire switch-board.
- B. The contents of a dial alarm message shall be clear and intelligible and in a format approved by the chief of police or his designee. No such message shall be transmitted more than two times, as a result of a single stimulus of the mechanism. Messages shall not exceed fifteen (15) seconds and a time gap between each shall not exceed ten (10) seconds.
- C. Dial alarms shall provide an automatic line seizure feature in the event this line is busy with an incoming or outgoing call.
- D. All dial alarms shall be capable of being disconnected to allow a call to police or fire headquarters in the event of a false alarm.
- E. The sensory mechanism of alarms shall be adjusted so as to suppress false indications and not actuated by impulses due to pressure changes in water pipes, short flashes of light, wind, noise, rattling or vibrations of doors, windows, or other forces unrelated to general alarms.
- F. Any person having a dial alarm in existence at the time of passage of this chapter shall have ninety (90) days in which to reprogram and register the equipment in accordance with this chapter. Any person failing to comply shall be liable to a penalty of fifty dollars (\$50.00) payable to the borough; each day of continuing violation shall constitute a separate offense.
- G. Upon discovery of any dial alarm dialing the emergency police or fire number, the chief of police shall send written notice to the person in whose name the telephone is listed, requiring compliance with this chapter. If the owner, occupant or telephone subscriber fails to comply within thirty (30) days following receipt of such notice, he or she shall be liable for a penalty of fifty dollars (\$50.00) payable to the borough; each day of continuing violation shall constitute a separate offense under this chapter. The penalty provisions of this chapter are to be read in conjunction with Section 8.04.060, so as to avoid double penalty.
- H. All components of alarm equipment shall be maintained by the owner in good repair. Failure to comply with the operational requirements of this chapter shall authorize the chief of police or fire official for fire alarms to demand that such an alarm be disconnected until such time as compliance is insured. If, upon written notice from the chief of police or fire official, the owner of an alarm shall fail to disconnect the alarm within ten (10) days, he or she shall be liable to a penalty of fifty dollars (\$50.00), payable to the borough; each day of continuing violation shall be considered a separate offense under this chapter.

(Prior code § 6-14.5)

8.04.060 False alarms.

In the event of a false alarm, any person having knowledge thereof shall immediately notify the police department for non-fire alarms and the fire department for fire alarms in the manner prescribed by the rules and regulations. The police chief or fire official shall cause an investigation to be made and keep a record of all false alarms. False alarms shall result in the following penalties:

- A. For the first and second alarm in the same twelve (12) month period, a warning shall be issued.
- B. For the third false alarm in the same twelve (12) month period, a penalty of fifteen dollars (\$15.00) shall be paid to the borough.
- C. For the fourth and subsequent false alarm, a penalty of twenty-five dollars (\$25.00) shall be paid to the borough.

(Prior code § 6-14.6)

8.04.070 Payment of penalties.

Penalties shall be payable to the borough within thirty (30) days of receipt of written notice thereof. Failure to remit the required penalty fee due because of false alarm after written notice to the permittee will result in police refusal to acknowledge the alarm. Continual violation of the terms of this chapter may result in disconnection of alarm devices.

(Prior code § 6-14.7)

8.04.080 Local alarm tests.

- A. It is unlawful for an alarm device, dial alarm, local alarm or other audible alarm to ring or put forth any other sound for a period in excess of thirty (30) minutes. Any such occurrence shall result in a penalty of fifty dollars (\$50.00) for each violation.
- B. Any person testing an alarm system covered by the provisions of this chapter shall notify police headquarters for non-fire alarms and fire department for fire alarms immediately prior to and after testing is completed. Failure to make the required notification shall subject the owner to the appropriate penalties above.

The chapter shall take effect immediately upon due passage and publication according to law.

(Prior code § 6-14.8)

Chapter 8.08 CIGARETTE VENDING MACHINES

Sections:

8.08.010 Findings.

The mayor and council make the following findings:

- A. The Surgeon General of the United States has called for a ban on the sale of cigarettes by vending machines.
- B. The state of New Jersey has banned the sale or furnishing of cigarettes or tobacco in any form to minors under N.J.S.A. 2A:170-51.

- C. The borough is unable to monitor or prevent the sale of cigarettes to minors by vending machines, and no penalty has been imposed by state statute upon minors for the purchase of cigarettes.
- D. The borough is authorized to enact ordinances not contrary to the laws of this state or of the United States as it may deem necessary and proper for the protection of persons and for the preservation of public health, safety and welfare of the borough and its inhabitants.
- E. There exists within the borough numerous cigarette vending machines which provide an opportunity for the purchase of cigarettes by minors.
- F. The Department of Health and Human Services issued a fact sheet dated August 10, 1995, concerning the plague of cigarette smoking by children and recommending the elimination of cigarette vending machine.

(Ord. 25/96 § 1 (part))

8.08.020 Prohibited vending machines.

All cigarette vending machines are prohibited in the borough, and it is unlawful to offer for sale or to sell cigarettes from a vending machine.

(Ord. 25/96 § 1 (part))

8.08.030 Self-service cigarette product displays.

Self-service cigarette product displays are prohibited in the borough, and it is unlawful to offer for sale or to sell cigarette products from a self-service display.

"Self-service display" means any shelving or storing of cigarettes in an area to which customers shall have access, and/or in a location where a customer could reach the cigarettes and take same without the assistance of an employee.

(Ord. 25/96 § 1 (part))

8.08.040 Violation—Penalty.

Any person owning, operating, renting or permitting the use of a cigarette vending machine or self-service cigarette product display on premises under his or her control shall be subject to a fine of two hundred fifty dollars (\$250.00) for a first offense, and five hundred dollars (\$500.00) for a second and subsequent offense. Each day on which such a machine is owned, operated, rented or permitted on the premises shall result in an additional fine.

(Ord. 25/96 § 1 (part))

Chapter 8.12 FIRE PREVENTION REGULATIONS

Sections:

8.12.010 Right of entry—Inspection.

The chief engineer of the fire department or those acting under and for him or her shall have full right, power and authority to enter, within reasonable hours, any store, factory or other building and upon any lot, yard or land situated within the limits of the borough and to examine the same, the contents thereof or the purpose for which it is being used and to require the owner, lessee, tenant or tenants, occupant or occupants, thereof to

submit to him or her a sworn statement or report of any facts as he or she may desire in relation to the construction of any such building or buildings, and the nature, quality and condition of the contents thereof.

(Prior code § 13-3.1)

8.12.020 Notice of violation.

It shall be the duty of the chief engineer of the fire department to notify, either by written or printed notice, any person maintaining conditions which shall constitute a fire menace or hazard. The notice shall fully set forth the conditions constituting such fire menace or hazard, and shall contain instructions to remove, amend, secure or alter the conditions and in case of neglect or refusal on the part of the person or persons so notified to remove, amend, secure or alter the conditions within the time and in the manner directed by the chief engineer of the fire department, the party offending shall be deemed guilty of a violation of this chapter.

(Prior code § 13-3.2)

8.12.030 Rules and regulations.

- A. No person shall kindle or maintain any bonfire or other fire, or shall knowingly furnish the materials for such fire, or authorize any such fire to be kindled or maintained, on or in any street, avenue, road, lane or public ground within the limits of the borough unless a written permit shall first have been secured from the chief engineer of the fire department.
- B. No person shall burn outdoors and in the open any brush, weeds, grass, leaves, waste paper, trash, garbage or any other combustible materials within the limits of the borough. This shall not apply to the starting of fires and keeping such fires burning for the purpose of cooking food or the preparing and cooking of food on hibachis, charcoal grills, barbecue grills and other outdoor grills that are used for the purpose of cooking, broiling, rotisserie or otherwise preparing foods by outdoor fires as herein designated and defined provided that such burning is to be confined in an outdoor burner so constructed as to confine and control the fire in such a manner as to prevent the spreading of same.
- C. Not more than ten (10) gallons of gasoline, kerosene or any other explosive or highly combustible liquid, exclusive of the gasoline tanks of automobiles, shall be kept in any garage or other building in the borough unless it be kept in containers approved by the National Board of Fire Underwriters.
- D. Every public garage or other place used for the business of storing, selling or displaying of automobiles, within the borough, shall keep in a place convenient for immediate use in case of fire, at least two chemical fire extinguishers and four or more pails of sand.
- E. No person shall sell or keep or cause to be sold or kept any gunpowder, dynamite, firecrackers, fireworks or other explosive of any description within the limits of the borough without first having obtained a permit so to do from the chief engineer of the fire department.
- F. Every theatre, opera house, and without limitation, any other building or place of public assembly, or any building or place where more than twenty-five (25) people gather or assemble for social, fraternal or other purposes, shall be provided with suitable exits from each floor easy of access to and from the street or surrounding lands, to be used in case of emergency. All doors in such exits, which shall include all doors in halls or entrances to the main building in which such place of assembly is located, shall open outwardly by the application of slight pressure from within. Where the exit facilities of any building are found to be inadequate by the chief engineer, additional exits or other protection shall be provided of approved type. The chief engineer of the fire department shall have full power and authority after inspection to declare any building or part thereof unsafe because of insufficient or improper exits or for any cause whatsoever and may order increased exit facilities or other alterations or changes to be made in order to make buildings safe.

The decision of the chief engineer, upon written approval of the fire committee of such decision, with regard to such requirements when made in writing and served upon the owner of the building shall be final and conclusive.

- G. It is unlawful for the management of any theatre, opera house or any place of public assembly to allow the aisles or stairways leading to the several exits to be blocked or to place chairs therein, or to allow people to stand or remain therein.
- H. It is unlawful to sell more than one standing room ticket for every twenty (20) seats in any theatre or opera house, and no additional persons shall be admitted to any theatre or opera house, when more than one person is standing to every twenty (20) seats in the theatre or opera house.
- I. The chief engineer of the fire department shall have the power to appoint or designate one or more firefighters who shall be permitted to remain on duty during any performance in any theatre, opera house or other place of assembly as defined in this chapter, to see that the provisions of this chapter are complied with. The chief engineer shall have the right to enter any theatre or opera house at any reasonable time to see that the provisions of the ordinances of the borough and the laws of the state of New Jersey are being complied with. If at any time the chief engineer of the fire department shall have appointed or designated one or more firefighters for the purposes herein stated, such firemen shall be compensated for their services in such amount as may be fixed by the mayor and council by resolution, from the fire watchers fund.
- J. Every person operating or maintaining a refrigerating or cold storage plant using the ammonia process shall place and maintain a sign with letters not less than two inches high, containing the words "AMMONIA TANK" on or near the main street entrance to the building where the ammonia tank is kept or maintained.

(Prior code § 13-3.3)

8.12.031 Open burning, legislative findings—Policy—Applicability.

- A. The mayor and council of the borough of Freehold find 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 the residents of Freehold Borough. 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 the borough of Freehold to prevent the danger of fire from open 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 Freehold Borough.

(Ord. 2007/12 § 1 (part))

8.12.032 Definitions.

For the purpose of this chapter, the following definitions shall apply:

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

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

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

"Open burning" means an outdoor fire where wood or any combustible materials are burned for entertainment. Open burning is allowed at single-family homes, duplexes and townhomes without a permit provided the regulations set forth herein are met.

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

(Ord. 2007/12 § 1 (part))

8.12.033 Open burning regulations.

- A. Open burning in approved containers shall be allowed without a permit at single-family homes, duplexes, townhomes, subject to the regulations contained herein.
- B. Fires shall be limited to a maximum three-foot diameter and two-foot height, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other method approved by the fire prevention officer.
- C. All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks and embers.
- D. Fires must be kept at least ten (10) feet from any structure or combustible exterior wall.
- E. Fires must be constantly attended.
- F. No such fire or container used for open burning may be used on any porch, deck, balcony or any other portion of a building; within any room or space; under any building overhang.
- G. The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than three inches in diameter, treated lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited.
- H. All open fires as set forth herein shall be extinguished no later than one a.m.
- I. The fire prevention officer, police officer or code enforcement officer may order any open fire, or use of a chiminea, outdoor fireplace or fire pit which creates a nuisance, to be extinguished.

(Ord. 2007/12 § 1 (part))

8.12.040 Compensation.

As compensation for his or her services in carrying out the provisions of this chapter the chief engineer shall receive the sum of one hundred fifty dollars (\$150.00) per annum to be paid semi-annually; the first assistant chief engineer of the fire department shall receive the sum of twenty-five dollars (\$25.00) per annum to be paid semi-annually; and the second assistant chief engineer shall receive the sum of twenty-five dollars (\$25.00) per annum, to be paid semi-annually.

(Prior code § 13-3.4)

8.12.070 Enforcement.

- A. This chapter shall be administered by the fire prevention officer, the police department and the code enforcement office.
- 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 (\$1,250.00), or to imprisonment not exceeding ninety (90) days, or both.

(Ord. 2007/12 § 1 (part))

Chapter 8.16 FIRE PROTECTION SIGNALLING SYSTEMS

Sections:

8.16.010 Short title.

This chapter shall be known and may be cited as the "Freehold Borough Fire Protective Signalling System Ordinance."

(Prior code § 13-2.1)

8.16.020 Purpose.

The purpose of this chapter is to provide rules, regulations and standards pertaining to the orderly installation, service and maintenance of protective signalling system in the borough in order to promote the public health, safety, convenience and general welfare, and to insure the orderly development and use of such signalling systems.

(Prior code § 13-2.2)

8.16.030 Recipient of service defined.

Whenever the term "recipient of service" is used in this chapter, it means a person who has made successful application to the borough to install or connect up a fire alarm system as herein provided and who is permitted to maintain a fire alarm system in accordance with the terms of this chapter. This term shall also include any successor in interest to a recipient of service as herein defined.

(Prior code § 13-2.3)

8.16.040 Application.

- A. Any person desiring to install or connect up a fire protective signal system in the location provided in the municipal building shall file with the borough clerk four completed application forms (which forms shall be provided by the borough clerk) and one copy of the specifications of the proposed fire protective signal system. The applying recipient of service shall at that time pay a fee of one hundred fifty dollars (\$150.00) to the clerk to cover the cost of processing the application. The application fee and any other fees herein provided are to be paid by the recipient of the fire protective service and the payment of the fees is not the obligation of the person supplying such fire protection service to the recipient.
- B. The application forms to be furnished by the borough clerk shall include the name of the applicant; address of applicant; description of system applicant desires to install or connect; location to be serviced by the fire

protective signalling system; a statement that the applicant agrees that he or she shall be responsible for all expenses involved in connection with the installation and maintenance of the proposed fire protective signal system and further agrees that he or she shall save harmless the borough from any and all responsibility to any and all persons by reason of the existence and maintenance of the signal system.

(Prior code § 13-2.4)

8.16.050 Processing of application.

- A. The borough clerk shall, upon the filing of the application, transmit the specifications to the chief fire engineer, and one copy of the application to each of the following:
1. Fire commissioner;
 2. Chief fire engineer;
 3. Superintendent of alarms.

The chief fire engineer shall make the specifications available to the fire commissioner and superintendent of alarms.

- B. Upon receipt of the specifications and application, the chief fire engineer shall make or cause to be made a study of the proposed fire protective signalling system. The study shall be with a view toward the standards hereinafter mentioned and such other matters as the chief engineer deems pertinent. It shall include the report and recommendation of the superintendent of alarms as to the mechanical and installation feasibility of the proposed system.

Within forty-five (45) days of the submission of the application, or within such further time as the applicant may agree to, the chief fire engineer shall submit his or her report and recommendation to the fire commissioner, who shall present same to mayor and council. Mayor and council shall then consider the matter and grant or deny the application.

(Prior code § 13-2.5)

8.16.060 Standards.

In determining whether the application shall be granted, it shall appear that the proposed fire protective signalling system shall be in furtherance of the purposes set forth in Section 8.16.020 and shall comply with the following standards:

- A. That the proposed system is efficient and will not result in false alarms or require undue municipal service that may burden the fire department;
- B. That the proposed system can be accommodated in the space available for the same, with due regard for the limited facilities of the municipality for the system;
- C. That there are not likely to be undue maintenance problems in connection with the functioning of the system;
- D. That the proposed system is not likely to cause difficulties in the maintenance of any electrical system with which it is connected or interfere with other fire protective signalling systems heretofore installed.

(Prior code § 13-2.6)

8.16.070 Area to be served.

The borough and its fire department shall not be required to extend its service under this chapter to any area in which the department does not furnish fire protection. In the event that an installation is made hereunder and the borough subsequently terminates fire protection in the area that is being served, the fire protective signalling system shall be removed at the cost, risk and expense of the recipient of the service. In such event, a pro rata refund of a portion of the annual fee shall be made by the borough to the recipient of the service.

(Prior code § 13-2.7)

8.16.080 Annual fee.

In addition to the application fee set forth in Section 8.16.040, the recipient of the service shall pay to the borough annually on January 2nd of each year a fee of fifty dollars (\$50.00) for the service rendered by it and its fire department for supervision and accommodation of the fire protective signalling system during such year. No fee shall be paid in the year in which the fire alarm system is first installed.

In the event that default is made in the payment of the annual fee required herein and such default should continue for a period of thirty (30) days, the fire commissioner shall notify, in writing, the recipient of service to disconnect and remove the system within a stated reasonable time. If, after such notice, the recipient of service fails to comply with such notice, then the fire commissioner may cause the disconnection or removal of the system at the cost and expense of the recipient of service.

(Prior code § 13-2.8)

8.16.090 Exemptions.

All religious, charitable, educational or non-profit organizations dedicated to the public welfare and serving the borough are exempt from the payment of all the above fees but are not exempt from any other requirements of this chapter.

(Prior code § 13-2.9)

8.16.100 Revocation.

If it shall subsequently appear after a fire protective signalling system has been installed or connected that the system does not in fact conform to the standards hereinabove set forth, the fire commissioner may require that the system be corrected, at the cost and expense of the recipient of service thereof, to conform to the standards above set forth, and in default thereof the fire commissioner may require that the system be removed at the cost and expense of the recipient of service.

(Prior code § 13-2.10)

Chapter 8.20 FIRE ZONES IN SHOPPING CENTERS AND SIMILAR

Sections:

8.20.010 Parking.

- A. Upon a finding that such action is necessary for the public safety, the fire subcode official may require the owner or owners of any shopping center, commercial structure, place of public assembly, multiple dwelling group, industrial park, office building, hotel, motel or school to designate "Fire Zone" in the driveways of the

premises leading to and from the parking areas, loading areas, public streets or rights-of-way leading to the above type buildings or structures. Such fire zones, also known as fire lanes shall be no less than ten (10) feet nor more than fifty (50) feet in width and shall be striped and lettered to remain legible at all times. Metal "Fire Zone" signs, the lettering of same to be legible at all times, shall be provided, erected and maintained by the owner or owners and placed at the discretion of the fire subcode official and quality and lettered in accordance with applicable state law.

- B. No person shall at any time park a vehicle or in any other manner obstruct any driveway or other area that has been designated as hereinabove provided as a fire zone.

(Prior code § 13-5.1)

8.20.020 Special regulations for shopping centers.

- A. Fire areas shall be established in all shopping centers to insure fire equipment and other emergency vehicles unobstructed means of ingress and egress to the properties and buildings located herein in the event of fire or other emergency.
- B. The number, location, dimensions and markings of such areas shall be determined by the fire subcode official based upon the size, type and location of the buildings in such shopping centers; the types of uses contained therein; the number of motor vehicles operated and parked upon the property; the number of persons using and occupying the premises; the existing means of ingress and egress; the total area of the property and other relevant factors.
- C. The fire subcode official is authorized to regulate, restrict and prohibit the parking and operation of motor vehicles in and near such fire areas and to impose other reasonable regulations necessary to insure that such areas are free from obstruction.

(Prior code § 13-5.2)

8.20.030 Enforcement.

The fire subcode official the code enforcement officer and the police department of the borough shall have concurrent jurisdiction to enforce the provisions of this chapter.

(Prior code § 13-5.3)

8.20.040 Violation—Penalty.

Any violation of the provisions of this chapter shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than ninety (90) days, or both.

(Prior code § 13-5.4)

8.20.050 Enforcement through imposition of additional penalties.

Notwithstanding the penalties hereinabove provided for violations of this chapter, the municipality shall be entitled to pursue any other remedy available at law or equity to enforce the provisions thereof.

(Prior code § 13-5.5)

Chapter 8.24 GARBAGE, TRASH AND REFUSE COLLECTION AND DISPOSAL

Sections:

8.24.010 Definitions.

As used in this chapter:

"Garbage" is defined to mean and be all kitchen refuse, animal or vegetable matter and offal and all decaying and decomposing substances, and having its origin in all premises within the area to be serviced, either required to be disposed of by local ordinances or state statutes or which is ordinarily disposed of as garbage, including any and all buildings from which the garbage may originate which may hereafter be constructed during the period of the contract within the area to be served.

"Municipal separate storm water system (MS4)" is defined to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by Freehold Borough or other public body and is designed and used for collecting and conveying stormwater.

"Refuse container" is defined as any waste container that a person or entity controls, whether owned, leased or operated, including, but not limited to, dumpsters, trash cans, garbage pails and plastic trash bags.

"Stormwater" is defined as water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

"Trash" and "refuse" are defined to include all the accumulations and waste substances and particularly, but not in limitation of the foregoing, such articles as ashes, paper cartons, baskets, paper material, tin cans, rags, corn husks, floor covering from private residences, broken bottles or glass and such other articles and things as are daily thrown into waste baskets and trash and rubbish containers and which are discarded from private residences. Materials created as a result of the demolition or razing of any building or from the construction of any new buildings under construction or the refuse such as empty cardboard boxes, plaster, wire lath, roofing materials, wallboard and lumber are not considered trash or refuse hereunder for municipal garbage and trash service and the responsibility for the removal thereof shall be upon the owner, occupant or person in control of the premises.

(Prior code § 17-1)

(Ord. No. 2010/15, § 1, 9-20-10; Ord. No. 2012/12, § 1, 12-17-12)

8.24.020 Refuse receptacles.

- A. Required. The owner, agent, lessee, tenant or occupant of every dwelling house or other premises shall provide and keep on such premises sufficient and suitable watertight and closely covered receptacles for the receiving and holding of waste.
- B. Type of Receptacle Required.
 1. One receptacle for each family unit or other occupant of premises and at least two receptacles or one of ample capacity and design acceptable to the board of health for each commercial or business establishment where refuse shall accumulate; but each occupant of residential or commercial premises shall provide sufficient receptacles to store all waste which may be accumulated between the times when such refuse is collected and disposed.

2. Receptacles shall be tight, nonporous metal or plastic with a tightfitting cover so constructed as to prevent spilling or leakage of its contents. Each receptacle for use at a residential property shall be tapered in design, not smaller than twenty (20) gallons or larger than thirty (30) gallons. The container shall be verminproof. Each container and contents shall not weigh more than eighty (80) pounds. Each container shall be equipped with a pull handle or handles.
 3. The owner, proprietor, manager, agent or person in charge of a commercial establishment, professional office, or other business where occupancy is nonresidential in nature, shall provide proper and sufficient containers which may have a greater capacity than that described in the preceding subsection.
- C. Defective Receptacles. Receptacles that are badly broken or otherwise fail to meet the requirement set forth herein need not be collected provided that written notice has been given to the responsible party and the board of health; after ten (10) days' written notice has been given to the responsible party and the board of health pertaining to defective or illegal waste containers, such containers may be collected as rubbish by the borough or its authorized agent or agents.
- D. Illegal Dumping; Fines.
1. No owner, proprietor, manager, agent, lessee, tenant, occupant or person in charge of any commercial or residential property shall deposit garbage, trash, refuse, tree clippings, branches or tree stumps from their commercial or residential properties in any litter basket erected and maintained by the borough on any public street of the borough.
 2. No person shall deposit, dump or place any trash, refuse, waste material or garbage as defined in this section on any lot, parcel or property situate within the borough.
 3. Any person found guilty of violating the provisions of this section shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) for a first offense, and not less than five hundred dollars (\$500.00) for a second or subsequent offense.
- E. Storage of Receptacles.
1. When not placed at the curb for collection, all receptacles used for the storage of recycling, refuse and garbage, as well as all refuse and trash awaiting disposal, shall not be stored in any front yard area. The area used for storage of refuse and recyclable receptacles shall be screened from public view by a solid fence or row of plantings not less than forty- eight (48) inches high. If the storage area is within ten (10) feet of the side or rear lot line, the storage area shall be screened from the adjoining property by a solid fence or row of plantings not less than forty-eight (48) inches high.
 2. In all B General Commercial Districts, the C-M District, SRO District, in all apartment complexes, and for any commercial property where recyclables, refuse and garbage are stored outdoors, adequate facilities shall be provided for the handling of recycling, garbage and other refuse by providing and maintaining an enclosed and screened area or separate building within which all recycling, garbage and refuse containers shall be stored while awaiting pickup. The outdoor storage of material, equipment or refuse shall only be permitted if such storage is fenced and/or screened from public view in accordance with a plan approved by the Planning Board.

The screening or enclosure shall consist of either a solid wood fence with gate, brick face masonry with stone cap and ornamental solid gate measuring six (6) feet in height.
 3. No outdoor storage of recycling, garbage or refuse shall be within five (5) feet of the property line.

- F. Any person who owns, leases, uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system.

(Prior code § 17-2)

(Ord. No. 2010/15, § 1, 9-20-10; Ord. No. 2012/12, § 1, 12-17-12)

8.24.025 Waiver of fees; volunteers.

- A. In recognition of the tireless efforts of the volunteers of the Freehold Fire Department and Freehold First Aid and Emergency Squad, which benefits society as a whole and specifically lessens the burden which would otherwise be borne by the borough, members in good standing of the Freehold Fire Department and Freehold First Aid and Emergency Squad shall not be charged the fee set forth in Section 8.24.030(A)(4) for the disposal of large appliances such as refrigerators, freezers, washers, dryers, stoves and dishwashers.

- B. Definitions. As used in this section:

"Member in good standing" means any individual borough resident who has been certified in writing by the chief executive officer of the Freehold Fire Department or the Freehold First Aid and Emergency Squad to have served at least one year of continuous volunteer service in the department or squad to possess the necessary certification, license and/or training required by the company or squad.

"Volunteer" means any individual contributing services to the Freehold Fire Department or Freehold First Aid and Emergency Squad without remuneration or without a formal agreement or contract of hire.

- C. Qualification for Benefits. The provisions of this section shall be available to those individuals who are volunteers in the Freehold Fire Department or the Freehold First Aid and Emergency Squad and who are certified by the chief executive officer of their respective volunteer organization as "members in good standing" of the organization.

Reports detailing the attendance of members of each company or squad shall be filed quarterly with the borough clerk by the chief executive officer of the department or squad. The certification referred to in the preceding subsection shall be filed annually, not later than January 15th with the borough clerk by the chief executive officer of the department or squad. A new certification must be filed each year and the certification from the preceding year shall be null and void.

(Ord. 2006/2 § 1)

8.24.030 Collection.

- A. Preparation for Collection.

1. Domestic garbage intended for collection shall be placed with the trash and shall be drained of all free liquid, shall be wrapped, bagged or sacked and then placed and stored in an approved container.
2. Commercial garbage intended for collection from eating establishments such as clubs, restaurants, institutions, grocery stores and other food handling establishments need not be wrapped, bagged or sacked if picked up daily or in accordance with the schedule submitted to and approved by the board of health. Undrained garbage of liquid or semi-liquid nature shall not be collected whether in approved containers or not. All storage must be in a proper approved container and maintained in sanitary condition. Rubbish or waste which is of such bulk that it cannot be put in the prescribed containers shall be securely and properly tied into compact bundles of a size to permit ease of handling by one

man and shall not exceed fifty (50) pounds in weight. All items placed for collection shall be so placed and prepared that they will remain secure compact bundles in the event of inclement weather.

3. Branches, clippings, shrubs and rakings in excess of twenty-four (24) inches, but not greater than four feet in length and not in excess of fifty (50) pounds in weight, may be placed for collection if securely tied in bundles so as to prevent their being scattered, carried or deposited by the elements upon any street, sidewalk or other public or private place or premises.
 4. a. Large bulky items such as mattresses, sofas, crates, etc., shall be collected on the second collection day of the week. No such item shall be placed at the curb prior to dusk on the evening prior to the second collection day and shall be removed on collection. Items that the collection company deems too large for normal disposal shall not be collected with the regular garbage and trash, but shall be collected in accordance with arrangements made with or a schedule set forth by the borough administrator and/or department of public works.
 - b. Residential users may arrange for the disposal of large appliances such as washers, dryers, dishwashers, refrigerators and freezers by contacting the borough administrator. Appliances should not be placed at the curb until payment has been received and the administrator has authorized the pickup and provided the date thereof. No such item shall be placed at the curb prior to dusk on the evening prior to the scheduled collection day and shall be removed on collection.

The door of all such appliances must be removed prior to placing same outdoors for removal.
 - c. The fee for the removal of large appliances and items, which cannot be disposed with the normal trash, shall be forty dollars (\$40.00) per appliance. No fee shall be charged to members in good standing of the Freehold Fire Department and Freehold First Aid and Emergency Squad, as defined in this chapter, for this service.
- B. Commercial Rubbish and Construction Waste, Trees and Stumps. Arrangements for disposal of commercial rubbish, construction waste, trees and stumps shall be made by the owner, occupant or person in control of the premises affected either personally or by agreement with the contractor or other workmen engaged in work resulting in such accumulation.
- C. Collection and Disposal.
1. Collection of refuse, trash and garbage from residential dwellings of four or less units shall be made by the borough or its duly authorized agent.
 2. Collection of all garbage, trash and refuse from residential dwellings of more than four units, from commercial properties and from industrial properties shall be made by duly licensed scavengers in accordance with conditions which shall be established from time to time by the borough.
- D. Collection Schedules.
1. Collection of domestic garbage and trash shall be in accordance with a definite schedule announced by the department of public works.
 2. Collection of refuse other than garbage and trash shall be in accordance with a definite schedule announced by the department of public works.
- E. Set-Out Time.
1. For collection pursuant to schedule announced by the department of public works, all residents, tenants, business owners, property owners must place approved containers at the curblin in front of

- their property where easily accessible. No person shall place any garbage, refuse, recycling in front of the property of another.
2. Trash or recycling may not be placed out for collection prior to six p.m. on the eve of the scheduled collection day.
- F. Frequency of Collection. The owner, operator, tenant, lessee or person occupying any premises consisting of more than four dwelling units or whereon a business or industry is conducted shall arrange for the removal of garbage, trash and refuse from the premises each day unless sufficient facilities are provided and used for the storage of the refuse on the premises until the refuse is removed.
- G. Regulation of Collection.
1. Collection shall be done in a quiet and orderly manner and shall be made between seven a.m. and five p.m. or such other hours set by the department of public works.
 2. All licensees shall comply with the ordinances of the borough and the rules, regulations and orders of the board of health and department of public works as well as state and county laws and regulations.
 3. All vehicles for which permits are issued shall be of a closed type approved by the department of public works and board of health. The trucks shall be of such construction and be loaded in such fashion that no part of the contents shall fall, leak or spill therefrom.
 4. Any person who shall spill or scatter any refuse collected by him or her on either public or private property shall immediately collect such refuse for disposal.

(Ord. 2007/14 § 1; Ord. 2006/2 § 2; Ord. 2004/27 §§ 1, 2; prior code § 17-3)

(Ord. No. 2016/9, § 1, 8-1-16)

8.24.040 Licenses and vehicle permits.

- A. License and Permit Required. No person shall engage in the business of refuse, garbage or trash collection in the borough without first obtaining a license therefor and a permit for each vehicle so utilized. Such licenses and permits shall be known as solid waste collector licenses and permits.

Anyone desiring to obtain a solid waste collector license and permit in the borough shall apply to the board of health for the required license and shall deliver therewith the license fee specified in this section.

- B. Application. The application for a license hereunder shall be in writing, shall be signed and sworn to by the applicant or if a corporation by the officers thereof and shall contain the following:
1. The name and residential address of the applicant; the business address of the applicant and telephone number, trade, firm or partnership name of the business; whether or not the applicant has ever been convicted of a crime involving moral turpitude; in the case of applications by corporations, the application shall include the name and address of and the amount of stock held by all stockholders; the names and addresses of all citizen members of the board of directors; and the name and address of the registered agent; and a statement of whether or not any of the principals of the corporation have ever been convicted of a crime involving moral turpitude;
 2. A statement of the number and a description of the vehicles to be employed in the conduct of the business in the borough;

3. A statement of the place of business and the telephone number of the applicant and the name of the person in charge thereof to whom complaint against the applicant if licensed may be made and upon whom notice of any matters including proceedings affecting the license may be served;
 4. The number of years the applicant has been engaged in the scavenger business and the place or places where the business has been conducted;
 5. The place where garbage, trash and refuse collected in the borough shall be disposed and the names and addresses of the owners of the disposal area;
 6. The applicant shall provide a copy of his or her worker's compensation insurance policy covering his or her employees;
 7. The applicant shall provide a copy of an insurance policy issued by a company licensed to do business covering employer's liability and a liability and property damage policy in an amount of not less than one hundred thousand dollars (\$100,000.00) to insure from any damage claims and saving harmless and indemnifying the borough from any and all responsibility that might arise in the activities of the licensee, his or her agents, representatives and employees.
- C. Issuance of License. The board of health may issue one or more licenses for the collection of garbage, trash and refuse in the borough upon the receipt of applications therefor and compliance with all the provisions of this chapter.
- D. Fees. There shall be an annual license fee in the sum of twenty-five dollars (\$25.00) and an annual permit fee for each vehicle in the amount of ten dollars (\$10.00). Each license issued under this chapter shall be renewed in May of each year.
- E. Form of License.
1. The board of health shall cause to be issued to each licensee a durable and weatherproof plate bearing the words "Borough of Freehold Solid Waste Collector Licensee" and the year of issuance for each vehicle described in the application which shall be affixed to the vehicle while engaged in the operation of the business in the borough.
 2. Each license issued under this section shall be signed by a duly authorized person of the board of health and countersigned by the borough clerk.

(Prior code § 17-4)

8.24.050 Enforcement.

This chapter may be enforced by the code enforcement and/or other municipal officials of Freehold Borough.

(Ord. No. 2010/15, § 1, 9-20-10; Ord. No. 2012/12, § 1, 12-17-12)

8.24.060 Penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed one thousand two hundred fifty dollars (\$1,250.00).

(Ord. No. 2010/15, § 1, 9-20-10; Ord. No. 2012/12, § 1, 12-17-12)

Chapter 8.28 LITTER

Sections:

8.28.010 Definitions.

As used in this chapter:

"Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Litter" means garbage, refuse and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"Public space" means all streets, sidewalks, boulevards, alleys, beaches or other public ways, and all public parks, squares, spaces, docks, grounds and buildings.

"Refuse" means all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial waste.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

(Prior code § 5-1.1)

8.28.020 Litter in public places.

No person shall sweep, throw, deposit or dump litter in or upon any occupied, open or vacant property, whether owned by such person or not, or in or upon any street, sidewalk, park or other public place, or any pond, lake or stream or other body of water within the borough, except in public receptacles or in authorized private receptacles for collection. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, or upon private property.

(Prior code § 5-1.2)

8.28.030 Sweeping litter into gutters prohibited.

No person, including merchants owning or occupying a place of business, shall sweep into or deposit in a gutter, road, right-of-way or other public place within the borough the accumulation of litter from a building or lot or from a public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Prior code § 5-1.3)

8.28.040 Litter thrown by persons in vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter in or upon any public or private property.

(Prior code § 5-1.4)

8.28.050 Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the borough unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the borough, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(Prior code § 5-1.5)

8.28.060 Transportation from outside borough.

No person shall bring, cart, remove, transport or collect any litter from outside the borough and bring it into the borough for the purpose of dumping or disposing thereof. No truck or other vehicle containing litter which has been transported into the borough shall be parked or allowed to remain standing on any street in the borough or on any public property for a period in excess of two hours.

(Prior code § 5-1.6)

8.28.070 Handbills.

No person shall cast or place or cause to be cast or placed any advertisement, handbill, circular or paper on any public street, on sidewalks, into any vestibules or yards, upon porches of any dwelling house or other buildings, or into any vehicle while on the public highways or on private property within the borough, except that this chapter shall not apply to newspapers and addressed envelopes delivered to subscribers and addresses. Nor shall any person place on any post, tree, fence, sidewalk, telegraph pole or electric light pole in the streets of the borough any advertising sign of any description.

(Prior code § 5-1.7)

8.28.080 Litter containers.

The operator of any commercial establishment which sells merchandise for immediate consumption which merchandise is packaged in its own wrapping or container such as candy and snack food, must provide a litter receptacle at each customer exit from the commercial establishment which receptacle shall be placed in a location convenient for customer usage. The litter receptacle shall be clearly identified and maintained by the operator of the commercial establishment in a safe and sanitary condition and be regularly emptied so as not to become unsightly or present a health hazard.

(Prior code § 5-1.7A)

8.28.090 Violations—Penalties.

Any person who is convicted of violating any provision of this chapter shall be fined not less than fifty dollars (\$50.00) for a first offense nor more than five hundred dollars (\$500.00); and a minimum of seventy-five dollars (\$75.00) but not more than five hundred dollars (\$500.00) for each subsequent offense and shall be required to perform public service at the direction and control of the superintendent of public works of the borough. Such public service shall include, but not be limited to, the removal of trash, garbage, weeds, brush, debris and waste.

Upon conviction of a first offense the defendant shall be required to render four hours of public service to the borough.

(Prior code § 5-1.8)

Chapter 8.32 MANDATORY RECYCLING PROGRAM¹

Sections:

8.32.010 Definitions.

- A. Newspaper shall mean and include paper of the type commonly referred to as newsprint, and includes any inserts which are normally included in the newspaper. Specifically excluded are any pages of the newspaper used for household projects and crafts, such as painting or paper mache projects, or used for cleanup of pet waste.
- B. Corrugated cardboard shall mean layered cardboard including a waffled section between the layers, of the type commonly used to make boxes and cartons. Specifically excluded are waxed cardboard and any cardboard contaminated by direct contact with food, such as pizza boxes.
- C. Clean mixed paper shall mean high grade bond paper, mixed office and school papers, such as stationary, construction paper and writing tablets, including computer printouts, magazines, gift wrapping paper, soft cover books, junk mail and single layer cardboard (chipboard).

Specifically excluded are carbon papers, hard cover books (unless cover and binder are removed), paper cups and plates, food wrappers or any other paper contaminated by direct contact with food products, and paper products used for personal hygiene, such as tissues.

- D. Aluminum cans shall mean all disposable cans made of aluminum used for food or beverages. Specifically excluded are aluminum foils, pie tins, trays, cookware and other aluminum products.
- E. Tin and bi-metal cans shall mean all disposable cans made of tin, steel or a combination of metals including, but not limited to, containers commonly used for food products. Specifically excluded are cans which contain toxic products, such as paints and oils.
- F. Glass bottles and jars shall mean transparent or translucent containers made from silica or sand, soda ash and limestone, used for the packaging or bottling of various products. Specifically excluded are dishware, light bulbs, window glass, ceramics and other glass products.
- G. Pourable plastic containers shall mean plastic bottles where the neck is smaller than the body of the container, and is limited to plastic resin type #1 PET and plastic resin type #2 HDPE. Specifically excluded are other resin types (#2 through #7) and non-bottle plastic containers such as margarine tubs and other consumer items and packages, such as film plastics, blister packaging, boxes, baskets, toys and other products.

(Ord. No. 2010/7, § I, 4-19-10)

¹Editor's note(s)—Ord. No. 2010/7, § I, adopted April 19, 2010, amended Ch. 8.32 in its entirety to read as herein set out. Former 8.32, §§ 8.32.010—8.32.070, pertained to similar subject matter, and derived from Prior code §§ 22-1—22-7.

8.32.020 Source separation of recyclable materials.

- A. It shall be mandatory for all persons who are owners, lessees and occupants of residential property, of business and industrial properties, and of private or public and government institutions and buildings, to separate newspaper, corrugated cardboard, clean mixed paper, aluminum cans, tin and bi-metal cans, glass bottles and jars, and pourable plastic bottles ("designated recyclables"), from all other solid waste produced by such residences and establishments, for the separate collection and ultimate recycling of such materials.
- B. Residences, businesses and institutions provided with recyclables collection service by municipal forces or through municipal contract shall place all designated recyclables in the appropriate containers at curbside or other area(s) in the manner and schedule as regularly published and distributed by the borough.
- C. Any multifamily complex, business or institution not provided recyclables collection service by municipal forces or through municipal contract shall be responsible for arranging the appropriate separation, storage, collection and ultimate recycling of all designated recyclables.
- D. Any multifamily complex, business or institution which is not provided recyclables collection service by municipal forces or through municipal contract shall provide the municipality with, at a minimum, an annual report describing arrangements for both solid waste and recyclables collection services, including the size, number and location of storage containers, frequency of pickup service, the name and address of any contractor hired to provide such service, and phone and other contact information for the contractor.
- E. Leaves shall be kept separate from other vegetative waste, and shall only be placed for collection in the manner and schedule as shall be published and distributed by the municipality. Grass clippings shall not be placed with other materials for solid waste collection. This requirement shall not prohibit any person or establishment from making arrangements to collect leaves and grass directly from their property, through their own efforts or via contract with a landscape service or other appropriate company, for direct transportation to a permitted recycling operation.
- F. The following bulky recyclables shall not be placed with solid waste at the curbside or in containers provided for waste collection and transportation to a disposal facility: concrete, asphalt, brick, block, tree stumps, tree limbs over three inches in diameter, metal appliances or bulk metal items larger than one cubic foot and/or heavier than five pounds.
- G. Automotive and other vehicle or wet cell batteries, used motor oil and antifreeze shall not be disposed as solid waste. Such items are to be kept separate from other waste materials and recyclables, and brought to local service stations, scrapyards, or publicly-operated recycling facilities designed and permitted to handle such products.
- H. Common, nonrechargeable dry cell batteries, commonly labeled A, AA, AAA, C, D and 9-Volt, may be disposed with regular municipal solid waste. However, rechargeable dry cell and button batteries still contain significant amounts of various toxic metals, including mercury, and shall be separated and brought to retail outlets or publicly-operated recycling facilities providing specific arrangements for the proper packaging and shipment of rechargeable and/or button batteries to appropriate processing facilities.
- I. Computers, computer monitors and other related electronic hardware, as well as analog and digital televisions, are prohibited from being placed with other solid waste for disposal. These and other electronic devices shall be kept separate and brought to retail outlets or publicly-operated recycling facilities providing specific arrangements for shipment of these items to appropriate processing facilities.

(Ord. No. 2010/7, § I, 4-19-10)

8.32.030 Ownership of recyclables; scavenging prohibited.

- A. All designated recyclables become the property of the municipality and/or the contracted collector once placed at the curbside, in a container provided by the contractor, or brought to and accepted at the municipal recycling depot.
- B. It shall be a violation of this section for any unauthorized person to pick up or cause to be picked up, any recyclable materials as defined herein. Each such collection shall constitute a separate and distinct offense.
- C. Notwithstanding anything herein to the contrary, any person may donate or sell self-generated recyclable materials to any person, partnership or corporation, whether or not operating for profit. The person, partnership or corporation, however, shall not pick up the recyclable materials at curbside.

(Ord. No. 2010/7, § I, 4-19-10)

8.32.040 Liquid and hazardous waste exclusions.

- A. No liquids of any type shall be placed with recyclables or with solid waste for collection and disposal.
- B. No chemicals, liquid paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products, or other hazardous wastes shall be placed with recyclables, or with solid waste for collection and disposal.

(Ord. No. 2010/7, § I, 4-19-10)

8.32.050 Provision and labeling of recycling containers.

- A. All apartment and other multifamily complexes, businesses, schools and other public or private institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors, for trash and the various types of recyclables, as appropriate.
- B. Any company or agency providing dumpsters, rolloff or other containers to any apartment or other multifamily complex with shared disposal and recycling areas, or to any business, school or other institution, or for any construction/demolition project, shall clearly mark such container for trash or for specific recyclables, as may be appropriate.

(Ord. No. 2010/7, § I, 4-19-10)

8.32.060 Debris management plan for construction permits.

- A. The municipality shall issue construction and demolition permits only after the applicant has provided a debris management plan identifying the estimated number and types of containers to be used for the handling of all solid wastes and recyclables generated during the project, and arrangements for the proper disposition of the generated materials.
- B. A refundable deposit of one hundred fifty dollars (\$150.00) shall be submitted with the debris management plan, which will be returned after completion of the project and submittal of appropriate records documenting the quantity and disposition of solid wastes and recyclables. Inadequate or incomplete documentation may result in the forfeiture of some or all of the required deposit.

(Ord. No. 2010/7, § I, 4-19-10)

8.32.070 Appointment and duties of recycling coordinator.

- A. The position of recycling coordinator is hereby created and established within the municipality, to be appointed by the governing body, for a term of one year.
- B. The duties of the recycling coordinator shall include, but are not limited to: The preparation of annual or other reports as required by state and county agencies regarding local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies in conducting recycling activities, periodic review of local residential and business recycling practices and compliance, review and recommendation on local subdivision and site plan submittals and local construction and demolition projects for appropriate waste disposal and recycling provisions, reports to the governing body on the implementation and enforcement of the provisions of this chapter, and such other reports and activities as may be requested by the governing body.
- C. The recycling coordinator shall be required to comply with the certification requirements for municipal recycling coordinators, as established by the state of New Jersey. The recycling coordinator shall have completed or be in the process of completing the requirements for certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2012, as required by the New Jersey Recycling Enhancement Act.

(Ord. No. 2010/7, § I, 4-19-10)

8.32.080 Enforcement.

- A. The duly appointed municipal recycling coordinator, the Monmouth County Health Department, the Freehold Borough Health Department the Freehold Borough Code Enforcement Office are hereby jointly and severally empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this chapter, by issuance of warnings, notices, summonses and complaints. A typical inspection may consist of sorting through containers and opening bagged solid wastes to detect the presence of recyclable materials.
- B. The authorized inspector may, in his or her discretion, issue a warning rather than a summons following an initial inspection(s), with a follow up visit to determine compliance within a stated period of time.

(Ord. No. 2010/7, § I, 4-19-10)

8.32.090 Violations and penalties.

- A. Violation or noncompliance with any of the provisions of this chapter, or the rules and regulations promulgated hereunder, shall be punishable by a fine as follows:
 - 1. For a first offense: Fifty dollars (\$50.00) to one hundred dollars (\$100.00).
 - 2. For a second offense: One hundred dollars (\$100.00) to two hundred fifty dollars (\$250.00).
 - 3. For third and subsequent offense: One hundred dollars (\$100.00) to one thousand five hundred dollars (\$1,500.00) and/or the performance of community service in the recycling program, for a period not to exceed ninety (90) days.
- B. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such.

- C. Fines levied and collected in municipal court pursuant to the provisions of this chapter shall be deposited into the municipal recycling trust fund. Monies in the municipal recycling trust fund shall be used for the expenses of the municipal recycling program.

(Ord. No. 2010/7, § I, 4-19-10)

Chapter 8.36 NOISE*

Sections:

8.36.010 Legislative findings—Policy—Applicability.

- A. The mayor and council of the borough of Freehold find that excessive sound is a serious hazard to the public health, safety, general welfare and the quality of life of the residents of Freehold Borough. The public has a right to and should be ensured of an environment free from excessive sound. It is the policy of the borough of Freehold to prevent excessive, prolonged, unusual sound and sound unnatural in its time, place and use 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 Freehold Borough.

(Ord. 2008/1 § 1 (part): Ord. 2006/20 § 1 (part))

8.36.020 Definitions.

For the purpose of this chapter, the following definition shall apply:

"Commercial property" means any facility or property used for activities involving the furnishing or handling of goods or services or as defined as commercial property under the zoning regulations.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action.

"Demolition" means any dismantling, intentional destruction or removal of buildings or structures, or parts thereof.

"Emergency work" means any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, public transportation facilities, removing fallen, dangerous trees, or abating life threatening situations.

"Industrial property" means any facility or property used for activities involving the production, fabrication, packaging, storage, warehousing, shipping or distribution of goods.

"Muffler" means a sound-dissipative device or system for abating sound of escaping gases of an internal combustion engine.

"Noise disturbance" means any sound that endangers the safety or health of any person, or disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

(Ord. 2008/1 § 1 (part): Ord. 2006/20 § 1 (part))

8.36.030 Noise prohibited.

- A. It is unlawful for a person to make, continue or cause to be made or continued any unreasonably loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the health, comfort, safety, repose or peace of others within the limits of the borough.
- B. It is unlawful for a person to make, continue or cause to be made or continued any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the health, comfort, repose, peace or safety of any individual within the limits of the borough.
- C. No person shall cause, suffer, allow or permit to be made, verbally or mechanically, any noise disturbance. Noncommercial public speaking and public assembly activities which have been issued a permit by the borough shall be exempted from the provisions of this chapter to the extent the noise created by such permitted activity does not create a noise disturbance as defined herein.

(Ord. 2008/1 § 1 (part): Ord. 2006/20 § 1 (part))

8.36.040 Prohibited acts.

Without intending to limit the generality of Section 8.36.030, the following acts are declared to be examples of loud, disturbing and unnecessary noise in violation of this chapter:

- A. Sound Reproduction Systems. Operation playing or permitting the operation or playing of any radio, television, phonograph or similar device that reproduces amplified sound in such a manner as to create a noise disturbance for any person other than the person operating the device, or in such a manner to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons voluntarily listening thereto.
- B. Loudspeakers/Public Address Systems. Using any loudspeaker, public address system or similar device, in a manner such that the sound therefrom creates a noise disturbance across a residential real property line.
- C. The operation of any sound reproduction system, loudspeaker, public address system, radio, television, phonograph, at such a volume as to be plainly audible to any person in any apartment, dwelling unit or public area, outside of that in which such operation occurs, or in the case of operation in a motor vehicle or outdoors area, to any person inside of any building or structure or to any person fifty (50) feet or more distant from such operation.
- D. Yelling and Shouting. Yelling, shouting, hooting, whistling or singing in the public streets at any time or any place, in which the noise unreasonably disturbs the quiet repose of any person or persons in any office, dwelling, hotel, motel or any type of residence or any persons in the vicinity.
- E. Animals and Birds. Owning, possessing or harboring any pet, animal or bird that frequently or for any continued duration, makes sounds that create an unreasonable noise disturbance across a residential real property line; but nothing herein is intended to apply to a dog pound or kennel, licensed in accordance with borough ordinance. For the purpose of this section, an unreasonable sound from an animal or bird shall include that created by the animal or bird emitting a noise continually for ten (10) minutes, or intermittently for thirty (30) minutes, unless provoked.
- F. Horns and Signaling Devices.
 - 1. The sounding of a horn or warning device on an automobile, motorcycle or bus, or other vehicle, except when required by law or when necessary to give timely warning of the approach of the

- vehicle, or as a warning of impending nature to persons driving other vehicles or to persons on the street.
2. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound or for an unnecessary, unreasonable period of time.
- G. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects or the compacting of refuse:
1. Between the hours of ten p.m. and seven a.m., the following day, in such a manner as to cause a noise disturbance across a residential property line or to inhabitants of a residential dwelling.
- H. Exhaust. The discharge into the open air of exhaust of a steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises.
- I. Defect in Vehicle or Load. The use of an automobile, motorcycle or vehicle, so out of repair or so loaded, that it creates loud and unnecessary grading, grinding, rattling or other noise disturbance.
- J. Construction or Demolition. Operation or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work, between the hours of nine p.m. and seven a.m. the following day on weekdays, and between the hours of nine p.m. and nine a.m. the following day on holidays or weekends, except in the case of urgent necessity, emergency or in the interest of public health or safety as determined by the director of public works in which case such work may be carried on outside of the designated hours.
- K. Air Conditioning, Air Handling Devices and Wind Energy Conversion Systems. The operation of air conditioning, air handling devices, including heat pumps or wind energy conversion systems that produce a sound disturbance across the property line of a residential property.
- L. Schools, Courts, Churches and Hospitals. The creation of excessive noise on a street or property, adjacent to a school, institution of learning, church or court while in use, or adjacent to a hospital, which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such a street, indicating that it is a school, hospital or court street.
- M. Blowers. The operation of any noise created by any blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gasses or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- N. Lawnmowers, Leaf Blowers, Chainsaws. The operation of a lawnmower, leaf blower, chainsaw, power edger, snow blower or similar device between the hours of nine p.m. and seven a.m. the following day on weekdays, and between the hours of nine p.m. and nine a.m. the following day on holidays or weekends, except for emergency work or emergency snow removal as determined by the director of public works in which case such work may be carried on outside of the designated hours.
- O. Engine Braking. The use or operation of any mechanical exhaust or decompression device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in a loud, unusual or explosive noise from the vehicle, a practice known as "engine-braking" or "jake breaking."

(Ord. 2008/1 § 1 (part): Ord. 2006/20 § 1 (part))

(Ord. No. 2015/13, § 1, 11-2-15)

8.36.050 Exceptions.

Nothing herein contained shall be construed to apply to: (1) the use of bells, chimes or sound amplifiers by churches engaged in church activities; (2) activities of municipal departments in the performance of their duties, drills for public demonstrations; (3) the emission of sound for the purpose of alerting persons of the existence of an emergency; (4) the emission of sound in the performance of emergency work; (5) activities in parks, playgrounds or public building under permission or authority of municipal officials; (6) any public utility as defined in Title 48 of the Revised Statutes of New Jersey, or to any employees of such public utility when such public utility or its employees shall be engaged in performing work to prevent the threatened interruption of its services or to terminate the interruption of its services rendered to its customers; (7) application of unmuffled compression brakes where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system; (8) application of engine compression brakes which is effectively muffled.

(Ord. 2008/1 § 1 (part): Ord. 2006/20 § 1 (part))

8.36.060 Sound trucks.

It is unlawful for any person, either as principal, agent or employee, to play, use or operate for advertising purposes or for any other purpose whatsoever, on or upon the public streets, alleys or thoroughfares in the borough, any device known as a sound truck, loudspeaker or sound amplifier or radio or phonograph with a loudspeaker or sound amplifier or any other instrument known as a calliope, or an instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operating or standing upon any streets or public places.

The above enumeration is intended to give typical illustrations of prohibited noise and shall not be construed as exclusive.

(Ord. 2008/1 § 1 (part): Ord. 2006/20 § 1 (part))

8.36.070 Enforcement.

- A. The noise ordinance shall be administered by the police department.
- B. The police department shall be empowered to stop any motor vehicle or motorcycle operated on a public right-of-way reasonably suspected of violating any provisions of this chapter of N.J.S.A. 13:1G-1 et seq.
- C. 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 (\$1,250.00), or to imprisonment not exceeding ninety (90) days, or both.

(Ord. 2008/1 § 1 (part): Ord. 2006/20 § 1 (part))

Chapter 8.40 PROPERTY MAINTENANCE CODE

Sections:

8.40.010 Adoption of International Property Maintenance Code.

That a certain document, three copies of which are on file in the office of the Clerk of the Borough of Freehold, being marked and designated as the International Property Maintenance Code, 2015 edition, as

published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Freehold, in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Freehold are hereby referred to, adopted and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section[s 8.40.020 and 8.40.030] of this chapter.

(Prior code § 12-1)

(Ord. No. 2018/15, § I, 12-3-18)

Editor's note(s)—Ord. No. 2018/15, § I, adopted Dec. 3, 1018, amended the title of § 8.40.010 to read as herein set out. The former § 8.40.010 title pertained to adoption of property maintenance code.

8.40.020 Sections of code not adopted.

IPMC Section 102.3 shall be amended to delete the last sentence which reads as follows: "Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code."

IPMC Section 103 shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 105 shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 107.2 (5) & (6) shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 110, DEMOLITION, shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 111 MEANS OF APPEAL shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 112 STOP WORK ORDER shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 306 COMPONENT SERVICEABILITY shall be deleted in its entirety from the IPMC adopted by this chapter.

(Prior code § 12-4)

(Ord. No. 2018/15, § I, 12-3-18)

8.40.030 Code amendments.

The following sections are hereby revised:

IPMC Section 101.1 is amended to add International Property Maintenance Code of the Borough of Freehold.

IPMC Section 103 is deleted and replaced with International Property Maintenance Code of the Borough of Freehold Section 103:

A. Section 103.10 Continued Certificate of Occupancy.

- a. A Continued Certificate of Occupancy ("CCO") must be obtained by the owner of real property prior to the sale, transfer, lease, rental or occupancy or change of occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located within the

Borough of Freehold. The Continued Certificate of Occupancy shall certify that said property is in compliance with all of the provisions of International Property Maintenance Code, 2015 edition and all other applicable ordinances of the Borough of Freehold.

- b. Upon the sale, transfer, lease, rental or occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located in the Borough of Freehold, the Seller or Landlord, prior to the closing of title and transfer of deed, shall obtain a Continued Certificate of Inspection or Occupancy or a Conditional Certificate of Inspection or Occupancy for the building or structure being purchased, leased or occupied. A Continued Certificate of Inspection or Occupancy shall be issued by the municipality upon the inspection of the building or structure by the code enforcement office and a finding that the building or structure is in compliance with all of the provisions of the International Property Maintenance Code, 2015 edition and all other applicable ordinances of the Borough of Freehold. A Conditional Certificate of Inspection or Occupancy shall be issued for buildings or structures which are not in full compliance with the provisions of the International Property Maintenance Code, 2015 edition or any other applicable ordinances of the Borough of Freehold. The purchaser of such a building or a structure shall not permit the building or structure to become occupied until said building or structure is re-inspected and a Continued Certificate of Inspection or Occupancy is issued.
 - c. Reserved.
 - d. Where the Planning Board or the Board of Adjustment has granted an approval for the use or the expansions of the use of a building or structure, a Continued Certificate of Occupancy shall not be issued until the required improvements including landscaping, traffic controls and any other improvements which may have been required in the granting of the approval for the use or the expansion of the use are inspected and found to be in place, functioning and being properly maintained in accordance with the provisions of the International Property Maintenance Code, 2015 edition and all other applicable ordinances of the Borough of Freehold.
 - e. On the serving of notice by the Zoning Officer, Director of Code Enforcement, Housing Enforcement Officer or Code Enforcement Officer of the Borough of Freehold to the owner of any structure, dwelling unit, apartment, office, store, commercial or industrial building of a violation of any of the provisions or requirements of the International Property Maintenance Code, 2015 edition or any applicable ordinances of the Borough of Freehold, the Continued Certificate of Occupancy shall be deemed to be in violation and subject to a penalty. A new Continued Certificate of Occupancy shall be required for any further use of such land or building.
 - f. No Continued Certificate of Occupancy shall be issued unless a chimney cap has been placed on fireplace chimneys to prevent raccoons and other animals from entering the chimney.
 - g. No Continued Certificate of Occupancy shall be issued unless the applicant complies with the Uniform Fire Code smoke detector requirements under NJAC 5:70-4.19, et seq., as amended and supplemented.
 - h. No Continued Certificate of Occupancy shall be issued for any structure, dwelling unit, apartment, office, commercial or industrial building unless all construction permit fees and penalties, fire prevention permit fees and penalties and all other required fees have been paid in full, the property taxes are current and the water and sewer charges are paid in full as of the date of the inspection by the code officer.
- B. Section 103.2 Continued Certificate of Occupancy fees.
Apartment/Multiple Dwelling Unit: \$75.00 per unit

Certificate of Occupancy—One & Two Family Dwelling: \$100.00

Certificate of Occupancy—Commercial Space less than 500 sq. ft.: \$75.00

Commercial Space between 501—999 sq. ft.: \$150.00

Commercial Space between 1000—1499 sq. ft.: \$200.00

Commercial Space 1500 sq. ft. and above: \$250.00

1st Re-Inspection Fee no charge

Subsequent re-inspections \$150.00 for each re-inspection

Expedited inspection 3 days or less from application (pending availability): additional \$100.00.

Section 108.1 is amended to read as follows: When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such shall be referred to the Construction Official for further action.

Section 302.4 is amended to read as follows: 3.02.4 A. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. All areas should be kept free from weeds or plant growth which is noxious or detrimental to the public health and welfare including, but not limited to, dead or diseased trees or any portion thereof in danger of injuring the property occupants or adjoining property owners or pedestrians. All trees shall be maintained so as not to present a danger of injuring the property occupants or adjoining property owners or pedestrians.

3.02.4 B. Invasive Plants.

- (a) Invasive plants are defined as all native and non-native vines and vegetation that grow out of place and are competitive, persistent and pernicious. These plants may damage trees, vegetation or structures and may invade neighboring properties. Examples include but are not limited to bamboo(spreading or running type), ragweed, kudzu vine, poison ivy or oak.
- (b) Whenever an invasive plant is found on any plot of land. Lot or other premises or place and is found to lack appropriate physical barriers to prevent the growth or spread of the species, or is found to have spread beyond the boundaries of a property, same shall be a violation of this chapter. In such case, in addition to a notice of violation, the owner may be compelled to remove or abate same.
- (c) All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive species beyond the boundaries of a resident's property.

Section 304.1.1 Unsafe Conditions is amended to read as follows: The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the NJ Uniform Construction Code:...

Section 304.14 shall be amended as follows: "During the period from April to November, every door, window and other outside opening..."

Section 305.1.1 Unsafe Conditions is amended to read as follows: The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the NJ Uniform Construction Code:...

Section 307 Handrails and Guardrails shall be amended to read as follows:

307.1 General. "Every exterior and interior flight of stairs having four or more risers shall be provided with a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches above the floor or grade below shall have guards. "Handrails shall be not less than 30 inches in height or more than 38 inches in height measured vertically above the nosing of the tread" "Guards shall be not less than 36 inches in height above the floor of the landing, balcony, porch, deck, ramp or other walking surface."

Section 308 Rubbish and Garbage shall be amended as follows:

308.3.1 Garbage facilities. The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container.

Section 404.4 Bedroom and living room requirements shall be amended to read as follows: Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5 provided, however that every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of all habitable rooms.

Section 602.2 Residential occupancies shall be amended to delete the following language; "based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code."

Section 602.3 shall be amended to insert the dates October 1st to May 1st.

Section 602.4 shall be amended to insert the dates October 1st to May 1st.

Section 704 FIRE PROTECTION SYSTEMS shall be amended to add Section 704.3 Carbon Monoxide Alarms. Systems, devices and equipment to detect carbon monoxide shall be provided and maintained in compliance with the requirements of N.J.A.C 5:70-4.19 and the NJ Uniform Construction Code.

(Ord. 2000/6 § 1; Ord. 28/97 §§ 2, 3; Ord. 7/95 § 1; prior code § 12-5)

(Ord. No. 2018/15, § I, 12-3-18; Ord. No. 2020/10, § I, 4-20-20)

8.40.040 Reserved.

Editor's note(s)—Inasmuch as it appears that § 8.40.040 is no longer applicable, and at the discretion of the editor, the newly enacted provisions of Ord. No. 2018/15, § I, adopted Dec, 3, 2018, repealed § 8.40.040 which pertained to certificates of occupancy and derived from Ord. No. 2006/6, § 1; Ord. No. 2005/16, § 1, Ord. No. 28/97, § 1, Ord. No. 67/67, § I, Ord. No. 28/95, § 1; Prior Code § 12-6; Ord. No. 2012/13, adopted Dec. 19, 2001; and Ord. No. 2014/2, adopted March 17, 2014.

8.40.050 Maintenance of vacant/abandoned properties.

The Borough of Freehold hereby adopts the Abandoned Property Rehabilitation Act (N.J.S.A. 55:19-78 et seq.).

- A. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

"Owner" shall include the title holder, any agent of the title holder having authority to act with respect to vacant/abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c.

127, Sec. 17 as amended by P.L. 2009, c.296), or any other entity determined by the Borough of Freehold to have authority to act with respect to the property.

"Vacant property" means any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it can not legally be reoccupied without repair or rehabilitation, including, but not limited to, any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; provided however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.

"Abandoned property," pursuant to N.J.S.A. 55:19-81, is defined as follows: Any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

1. The property is in need of rehabilitation in the reasonable judgment of the public officer, and/or rehabilitation has taken place during that six-month period; and
 2. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
 3. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of title 54 of the Revised Statutes of the date of the determination by the public officer pursuant to this section; or
 4. The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L. 2003, c. 210 (C.55:19-82). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (C.55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection 1. or subsection 4. of this section.
 5. "Public Officer" means a person designated or appointed by the municipal governing body pursuant to N.J.S.A. 40:48-2.5 et seq.
- B. Identification of Abandoned Properties.
1. The public officer is hereby directed to identify abandoned properties within the borough, place said properties on an abandoned property list to be established by the public officer as provided in Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as amended, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law. The public officer may add properties to the list at any time.
 2. An owner or lienholder may challenge the inclusion of property on the abandoned property list by appealing that determination to the public officer within thirty (30) days of the owner's receipt of the certified notice or forty (40) days from the date upon which notice was sent.
- C. Special Tax Sales.

1. When the borough determines each year which properties are eligible for tax sale, it may take any or all of the properties eligible for tax sale which also appear on the abandoned property list, and set them aside for a separate tax sale limited to those properties.
 2. In the event the Borough determines to hold a special tax sale, the borough may, at its option, set the terms and conditions for such sale to include, but not be limited to:
 - a. The purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the borough to guarantee the rehabilitation or repair of the property.
 - b. The purchaser or assignee shall provide documentation of its ability to rehabilitate or otherwise reuse the property appropriately;
 - c. Commitments by the bidder to rehabilitate or otherwise reuse the property;
 - d. Commitments by the bidder to foreclosure on the lien by a specific date; and
 - e. Condition that if the successful purchaser or assignee fails to carry out any of the conditions of sale, the borough may reclaim title to the property or lien and the purchaser or assignees shall forfeit the amount paid for the property at special tax sale.
 3. The borough may waive any of the above requirements, at its option.
 4. Successful purchasers or assignees for properties at a special tax sale may move immediately to foreclose on the property and exercise their right of entry to the properties as provided in C.54:5-86 of the Tax Sale Law, as amended by the Abandoned Properties Rehabilitation Act.
- D. Registration Requirements. The owner of any vacant or abandoned property as defined herein shall, within thirty (30) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the public officer on forms provided by the borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.
1. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
 2. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hours-per-day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.
 3. The registration shall remain valid for one year from the date of the registration. The owner shall be required to renew the registration annually as long as the building remains vacant and/or abandoned property, and shall pay a registration or renewal fee in the amount prescribed in this chapter, for each vacant property registered.

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4. The annual renewal shall be completed by the anniversary date of the initial registration.
 5. The owner shall notify the public officer within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the public officer for such purpose.
 6. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the borough against the owner or owners of the building.
- E. Access to Vacant or Abandoned Properties. The owner of any vacant or abandoned property registered under this article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out during normal business hours or such other times may be mutually agreed upon between the owner and borough.
- F. Responsible Owner or Agent.
1. An owner who meets the requirements of this article with respect to the location of his or her residence or workplace in the state of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
 2. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the borough in writing of a change of authorized agent or until the owner files a new annual registration statement.
 3. Any owner who fails to register vacant/abandoned property under the provisions of this article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the borough by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.
- G. Fee Schedule. The initial registration fee for each vacant or abandoned building shall be five hundred dollars (\$500.00). The fee for the first annual renewal is one thousand five hundred dollars (\$1,500.00), and the fee for the second annual renewal is three thousand dollars (\$3,000.00). The fee for any subsequent annual renewal beyond the second renewal is five thousand dollars (\$5,000.00).

Vacant/Abandoned Property Registration Fee Schedule

Initial Registration	\$500.00
First Annual Renewal	1,500.00
Second Annual Renewal	3,000.00
Subsequent Annual Renewal	5,000.00

- H. Requirements of Owners of Vacant/Abandoned Properties. The owner of any building that has become vacant/abandoned property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:
1. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and
 2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight inches by ten inches; and
 3. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
 4. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter, and grass and weed growth; and continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or the abolishment of the building is complete.
- I. Requirements/Responsibilities of Creditor of Vacant and Abandoned Property.
1. Pursuant to N.J.S.A. 40:48-2.12s, as amended from time to time, a creditor filing a summons and complaint in an action to foreclose a vacant or abandoned property shall be responsible for the care, maintenance, security and upkeep of the vacant and abandoned property, and if located out of state, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
 - a. The out-of-state creditor serving a summons and complaint in an action to foreclose a vacant or abandoned property shall, within ten days of serving the summons and complaint, notify the borough clerk that an action to foreclose has been filed against the subject property and shall provide the full contact information of the in-state agent or representative or agent in the notice to foreclose is responsible for receiving complaints of property maintenance or code violations.
 - b. A creditor serving a summons and complaint in an action to foreclose a vacant or abandoned property shall, within ten days of serving the summons and complaint, notify the borough clerk that an action to foreclose has been filed against the subject property and shall provide the full contact information of the agent or representative in the notice to foreclose, which agent or representative is responsible for receiving complaints of property maintenance or code violations.
 - c. Within thirty (30) days after the adoption of this section, any creditor that has previously initiated a foreclosure proceeding which is pending in the superior court shall provide to the borough with a notice detailing all properties in the borough for which the creditor has foreclosure actions pending, including all information required in the foregoing paragraphs.
 - d. In the event the Borough expends funds to abate a nuisance or correct a violation on vacant and abandoned properties in which the creditor was given notice but failed to abate

or correct the violation, the Borough shall have the same recourse against the creditor as it would have against the title owner of the property.

- e. An out-of-State creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-state representative or agent pursuant to the ordinance shall be subject to a fine of two thousand five hundred dollars (\$2,500.00) for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
 - f. A creditor subject to this ordinance, found by the municipal court or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this section shall be subject to a fine of one thousand five hundred dollars (\$1,500.00) for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.
 - g. No less than twenty (20) percent of any money collected pursuant to subsection 6. of this section shall be utilized by the municipality for municipal code enforcement purposes.
2. The code enforcement office and officers are hereby authorized to issue a notice of violation to the creditor filing a summons and complaint in an action to foreclose a vacant or abandoned property if the officer determines that the creditor has violated the section by failing the ordinance by failing to provide for the care, maintenance, security and upkeep of the vacant and abandoned property.
- a. Such notices shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall constitute proof that a property is "vacant and abandoned".
- J. Violations. Except as set forth in subsection E., any person who violates any other provision of this section or the rules and regulations issued hereunder shall be fined not less than one hundred dollars (\$100.00) and not more than one thousand two hundred fifty dollars (\$1,250.00) for each offense. Everyday that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this section.

(Ord. No. 2015/2, § 1, 12-15-15; Ord. No. 2015/17, § 1, 12-21-15)

Chapter 8.41 OUTDOOR STORAGE

Sections:

8.41.010 Legislative findings—Policy—Applicability.

- A. The mayor and council of the borough of Freehold find that the exterior premises of residential and commercial property should be maintained so that the appearance thereof shall reflect a level of maintenance in general keeping with the standards of the neighborhood and such that the appearance thereof shall not promote or contribute to a blighting effect upon neighboring properties. The exterior of the premises shall not contribute to a progressive deterioration and downgrading of neighboring properties.
- B. It has come to the attention of the mayor and council that the use of portable containerized property storage facilities (also referred to as "pods") may pose a hazard to the public health, safety, general welfare and the quality of life of the residents of Freehold Borough.
- C. It is in the public interest to regulate the storage of certain materials on the exterior premises and the use of such portable, containerized storage units and 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 Freehold Borough.

(Ord. 2008/2 § 1 (part))

8.41.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Blight" means an area characterized by deteriorating and/or abandoned buildings and/or land which exhibit a lack of continued maintenance and upkeep; land with debris, litter, accumulation of trash or junk, etc., all, or any one of which, may tend to depress the aesthetic value of a neighborhood.

"Exterior premises" means those portions of land which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto and the open yard space of any property outside and around any building or structure erected thereon.

"Nuisance" means:

1. Any condition that would constitute a nuisance according to the statutes, laws and regulations of the state of New Jersey, its governmental agencies or the ordinances of the township of Bridgewater;
2. Any condition which is detrimental to the enjoyment of lands owned by others constitutes a blighted condition or is detrimental to the health or safety of all persons whether on or inside a building, on the lands and premises containing a building or on, in or upon an unoccupied lot.

"PCPSF" means a portable containerized property storage facility or unit intended to be utilized upon the exterior of residential premises for the purpose of storing all types of items of personal and household property either for pure storage or to facilitate the moving of persons from household unit to household unit, to be used on the customer's premises or, that can be moved to commercial storage facilities.

"Storage" means the act of storing goods or the state of being stored; a space for storing goods.

(Ord. 2008/2 § 1 (part))

8.41.030 Storage of certain items prohibited on residential property.

In areas zoned residential, it shall be unlawful to store on the exterior of premises:

- A. Any bulky household items such as appliances or nonoutdoor furniture, except in a fully enclosed structure;
- B. Construction material and equipment, including, but not limited to, ladders, scaffolding, cement, concrete, building blocks, sheetrock, plywood, studs or beams, plywood, sand and aggregate piles, fuel storage devices, pipes, cement mixers, excavating equipment, etc., for more than one hundred twenty (120) days except in a fully enclosed, screened or landscaped manner. Such storage is only permitted during the course of construction occurring on the premises.
- C. Landscaping equipment and supplies, including, but not limited to, mowers, chippers, shredders, pavers, mulch in bags or piles for more than one hundred twenty (120) days except in a fully enclosed screened or landscape manner. Such storage is only permitted for materials to be used on the premises and not for any commercial use.
- D. Tires and other motor vehicle equipment and parts, except in a fully enclosed structure. Such storage is only permitted for materials to be used for the personal use of the residents, and not for any commercial use.
- E. Commercial or construction dumpsters or PCPSF without having first obtained a permit for same from the zoning officer.

(Ord. 2008/2 § 1 (part))

8.41.040 Maintenance of exterior premises.

The exterior premises shall be maintained so that the appearance thereof shall reflect a level of maintenance in general keeping with the standards of the neighborhood and such that the appearance thereof shall not promote or contribute to a blighting effect upon neighboring properties. The exterior of the premises shall not contribute to the progressive deterioration and downgrading of neighboring properties. To this end, the following requirements shall apply:

- A. **Ladders and Scaffolding.** No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond eight weeks after the erection and placement of such equipment, without obtaining permission in writing from the borough zoning officer.
- B. **Lawn and Landscaping.** Where exposed to public view, the landscaping of premises shall be maintained in keeping with the neighborhood and in an orderly state with lawns mowed and bushes trimmed and free from becoming overgrown, littered and unsightly where such lawn and landscaping condition would constitute or contribute to a blighting effect.
- C. **Exterior Areas.** Exterior areas shall not be used for the storage of accumulated refuse and rubbish for more than a two-week period and such shall be stored in appropriate sanitary receptacles or other containers.
- D. **Motor Vehicles and Related Equipment.** It is unlawful for any owner, possessor or occupant of lands to store, keep or accumulate, upon such lands, any motorized vehicles, automobiles or machines in need of repair so as not to be readily operated under their own power or requiring substantial repairs or not currently licensed. However, nothing herein shall be construed to limit the storage or the repairing of vehicles which are kept in an enclosed place or garage.

(Ord. 2008/2 § 1 (part))

8.41.050 Dumpsters in single-family residential zones.

- A. Location of Construction Dumpsters. Except for emergency situations, no commercial or construction dumpster shall be located within the setback area as reflected in the land use ordinance. An emergency situation is deemed to exist when the side and rear yards are insufficient in size to maneuver and locate a dumpster there. In that event, the dumpster may be located in the setback provided notification by the property owner utilizing the dumpster is provided in writing and delivered to the borough zoning officer.
- B. Time Limit. With respect to an existing dwelling, a dumpster, and any replacement dumpster, shall be located on specific premises for a total of not more than ninety (90) days. With respect to a dwelling being constructed, a dumpster, and any replacement dumpster, shall be located on specific premises for a total of not more than one hundred eighty (180) days. These periods may be extended, in writing, by the borough zoning officer upon an appropriate showing of need, identification of a date certain by which the dumpster shall be removed and, in the case of a dwelling beginning construction, the posting of a bond in an amount equal to the cost of removing the full dumpster as provided in a certification from the vendor supplying the dumpster.
- C. Sanitation Requirements. The following requirements shall be maintained while the dumpster is on or at the site:
 - 1. The area around the dumpster shall be kept free of debris and litter.
 - 2. Any dumpster into which animal or vegetative waste or material has been dumped or deposited shall be removed or emptied within seven days.
 - 3. Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor.
 - 4. A full dumpster shall be removed from the property within two days.
- D. Identification. The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weatherproof manner on the dumpster.
- E. Failure to Comply. Failure to comply shall constitute a nuisance which may be abated by the borough pursuant to its statutory authorization under N.J.S.A. 40:48-2.12.

(Ord. 2008/2 § 1 (part))

8.41.060 PCPSFs in single-family residential zones.

- A. Location. No PCPSF shall be located within the setback area as reflected in the land use ordinance.
- B. Time Limit. No PCPSF shall be located on a specific residential premises for a total of more than ninety (90) days. If more than one PCPSF is utilized, the ninety (90) day period shall commence at the time the first PCPSF is physically situated on the real estate. This period may be extended, in writing, by the borough zoning officer upon an appropriate showing of need and identification of a date certain by which the PCPSF shall be removed.
- C. Other Requirements. The following requirements shall be met by the owner/or occupier of the residential premises with respect to a PCPSF:
 - 1. The PCPSF situated on residential property shall only be used for the storage of personal property, furniture and household items normally located on or in a residential dwelling or premises.
 - 2. All such PCPSFs shall:

- a. Not have a height in excess of eight feet nor a length of more than sixteen (16) feet nor a width of more than eight feet.
 - b. All access doors shall be secured with locks.
- D. Failure to Comply. Failure to comply may constitute a nuisance which may be abated by the borough pursuant to its statutory authorization under N.J.S.A. 40:48-2.12. This shall be in addition to any penalty to be imposed under this chapter of the municipal code.

(Ord. 2008/2 § 1 (part))

8.41.070 Permit.

- A. Any person or entity wishing to place a commercial or construction dumpster or PCPSF in a residential zone must first obtain a permit for same from the zoning officer.
- B. The cost for a permit shall be ten dollars (\$10.00) and the applicant must provide the specifications of the dumpster or PCPSF as well as a drawing showing the location of the same on the property. Provided the dumpster or PCPSF complies with the size requirements and setback requirements, a permit will issue for a period of ninety (90) days.
- C. Upon good cause, the zoning officer may extend the permit in accordance with Sections 8.41.050(B) and 8.41.060(B).

(Ord. 2008/2 § 1 (part))

8.41.080 Enforcement.

- A. This chapter shall be administered by the zoning officer, the police department and the code enforcement office.
- 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 two thousand dollars (\$2,000.00).

(Ord. 2008/2 § 1 (part))

Chapter 8.44 RESERVED²

Chapter 8.48 UNIFORM FIRE SAFETY ACT ENFORCEMENT

Sections:

8.48.010 Preamble.

The Uniform Fire Safety Act was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the state of New Jersey; and the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose.

²Editor's note(s)—Ord. No. 2018/15, § II, adopted Dec. 3, 2018, repealed Ch. 8.44, § 8.44.010, which pertained to swimming pools and derived from Prior Code § 5-9.

N.J.A.C. 5:71 requires the governing body to establish a local enforcing agency if requested to do so by the municipal fire department; and the fire department of the borough has formally requested the establishment of a local enforcing agency in the borough.

(Ord. 2003/24 § 1: prior code § 13-1)

8.48.020 Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (PL 1983 c. 383), the New Jersey Uniform Fire Code shall be locally enforced in the borough.

(Prior code § 13-1.1)

8.48.030 Agency designation.

The local enforcing agency shall be the bureau of fire prevention which is established and constituted.

(Prior code § 13-1.2)

8.48.040 Duties.

The local enforcing agency shall enforce the provisions of the Uniform Fire Safety Act and the codes, rules and regulations adopted pursuant to it in all buildings, structures and premises located within the borough other than owner occupied single and two family dwelling units and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

(Prior code § 13-1.3)

8.48.050 Life hazard uses.

The local enforcing agency established by Section 8.48.020 shall carry out the periodic inspection of life hazard uses required by the Uniform Fire Code on behalf of the commissioner of the department of community affairs.

(Prior code § 13-1.4)

8.48.060 Organization.

The bureau of fire prevention established by Section 8.48.020 of this chapter shall operate under the supervision and control of the fire official. The fire official shall be appointed by the governing body of the borough with the advice and consent of the borough fire chief. The fire official shall serve for a period of one year at such compensation as may be fixed by ordinance duly adopted by the mayor and council of the borough. The fire official shall only be removed from office during a term of appointment for good cause shown and only after having been offered a hearing upon any charges, such hearing to be held by the mayor and council of the borough.

(Prior code § 13-1.5)

8.48.070 Membership.

The bureau of fire prevention shall consist of a fire official and fire inspectors as appointment by the mayor and council.

- A. Appointment of Inspectors. The mayor and council shall appoint such inspections as may be necessary to carry out all required inspection activities within the Borough of Freehold. Such inspectors shall be under the direct supervision and control of the fire official.

(Ord. 2003/24 § 2: prior code § 13-1.6)

8.48.080 Board of appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the construction board of appeals of the county of Monmouth.

(Prior code § 13-1.7)

8.48.090 Additional required inspections and fees.

In addition to the inspection and fees required pursuant to the Uniform Fire Code Act and pertinent regulations of the department of community affairs, the following additional inspections and fees shall be required.

Multifamily dwelling units containing more than two apartments shall be subject to annual inspections. The inspections shall be confined to the common areas of each apartment building but shall not include individual apartment units. The fees for the annual inspection shall be fifty dollars (\$50.00) per apartment building and shall be payable by the property owner. All commercial buildings and offices or industrial buildings shall be subject to an annual inspection fee and shall be required to pay a fee in the amount of fifty dollars (\$50.00).

(Ord. 2003/24 § 3: prior code § 13-1.8)

8.48.100 Permits.

The permit fees established by the Uniform Fire Code are adopted and incorporated in this chapter by reference.

(Prior code § 13-1.9)

8.48.110 Duties of the fire official.

The fire official shall serve as the chief administrator of the bureau of fire prevention. He or she shall be responsible for the day-to-day operations and routines of the bureau and shall coordinate the activities of any inspectors or other staff. He or she shall be certified in accordance with the provisions of N.J.A.C. 5:70, et seq. and shall be responsible for the implementation and enforcement of the New Jersey Uniform Fire Code and all rules and regulations adopted pursuant to the provisions of that code.

(Ord. 2003/24 § 4: prior code § 13-1.10)

8.48.120 Legal Council.

The bureau of fire prevention shall utilize the services of the borough attorney to assist the bureau in the enforcement of this code. The attorney shall advise the agency and undertake such actions at law as the fire official shall deem necessary to gain compliance with the code.

(Prior code § 13-1.11)

8.48.130 Rapid entry box system.

A. Definitions and Applicability.

1. "Rapid entry box system" shall mean a locking, vault-like container permanently mounted into the affected structure or building and accessible from outside of such structure or building, which rapid entry box must be able to be opened through the central lock system and is approved by the fire official. The rapid entry box will contain a key(s) that will allow for full entrance into all parts of the structure or building for life-saving or fire-fighting purposes.
2. Applicability. The following structures or buildings in the Borough of Freehold shall be required to have installed a rapid entry box system:
 - a. All commercial structures, buildings, multifamily dwellings which utilize a fire alarm system or fire alarm device that sends a fire alarm signal either to a local alarm or a monitoring service.
 - b. All commercial buildings or structures that are protected by a fire sprinkler system.
 - c. Exemption: Any building or structure that is staffed twenty-four (24) hours per day, seven days per week.

B. Type of Rapid Entry Box Required. Each affected building or structure shall cause an appropriate rapid entry box to be mounted permanently into the structure or building and accessible from outside the structure or building. Each rapid entry box shall be of sufficient size and configuration to allow the required contents as set forth in this article to be stored therein conveniently. In order to assure acceptability of the rapid entry box chosen, each owner, tenant or other responsible party of each affected structure or building shall receive approval from the fire official as to the size and configuration of the proposed rapid entry box.

C. Location of Rapid Entry Box. The rapid entry box must be located on the outside of the building or structure and must be, to the extent possible, uniform among similar type structures in order to promote quick accessibility upon the arrival of fire personnel at the scene of an emergency. Given differing structural characteristics of different types of structures and buildings, the location of the rapid entry box on the exterior of each building or structure shall be submitted to and approved by the fire official.

D. Required Contents of the Rapid Entry Box. The rapid entry box for each building or structure shall contain a separately and clearly labeled key for each locked area within the building or structure (for example, and not by way of limitation, boiler rooms, electrical rooms, sprinkler control rooms, elevator control rooms, etc.), sprinkler keys and information concerning any hazardous materials contained within the building or structure, and a clear indication as to the part of the building or structure within which such hazardous materials are contained.

E. Violations and Penalty. Any person who shall be guilty of a violation of this chapter shall, upon conviction thereof, be subject to a fine of seventy-five dollars (\$75.00) for each violation.

(Ord. No. 2010/17, § 1, 12-6-10)

Chapter 8.52 WEED, BRUSH AND DEBRIS REMOVAL

Sections:

8.52.010 Duties of owners and occupants.

The owner, occupant, tenant or person in possession of any land situate in the borough has an affirmative responsibility to keep such lands free from brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

Where the lands abut or border any public street in the borough, it shall be the owner or occupants' responsibility to remove all grass, weeds, brush and other debris from that part of the street bordering on the respective lands.

(Prior code § 5-4.1)

8.52.020 Maintenance of lawns and landscaped areas.

The owner and/or occupant of lands situate in the borough shall be responsible for the maintenance of all lawns and landscaped areas in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly. Grass or weeds shall not exceed six inches in height.

(Prior code § 5-4.2)

8.52.030 Violation—Penalty.

Any person convicted of violating any of the provisions of this chapter shall be subject to a minimum mandatory fine of twenty-five dollars (\$25.00) for a first offense. Upon conviction of a second or subsequent offense pursuant to the terms of this chapter, such person shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned in the Monmouth County Jail for a period of thirty (30) days or both.

(Prior code § 5-4.3)

Chapter 8.56 BOARD OF HEALTH REGULATIONS

Sections:

Article 1 ***General Provisions***

8.56.010 Definitions, construction and severability.

The provisions of Title 1 of this code concerning short title, definitions, construction and severability shall apply to all provisions adopted by the board of health.

(Prior code § BH:1-1)

8.56.020 Violation—Penalty.

Any person violating any of the provisions of any article adopted by the board of health of the borough shall, upon conviction thereof, pay a penalty of not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00) for each offense. Complaint shall be made in the municipal court of the borough or before another judicial officer having authority under the laws of the state of New Jersey. In addition, the court shall have the power to impose the other and additional penalties provided by R.S. 26:3-77 and R.S. 26:3-78.

- A. Separate Violation. Except as otherwise provided each and every day in which a violation of any of the provisions of any article adopted by the board of health exists shall constitute a separate violation.
- B. Collection of Fees and Penalties. All fees and penalties collected under any provision of any article adopted by the board of health shall be paid to the treasurer of the borough.

(Prior code § BH:1-2)

Article 2

Administration

8.56.030 Short title.

This article shall be known and may be cited as the "Administrative Code of the Board of Health of the Borough of Freehold" and is herein referred to as the administrative code.

(Prior code § BH:2-1)

8.56.040 President of the board of health.

- A. Establishment of Position. There shall be a president of the board of health who shall preside at all meetings of the board of health.
- B. Appointment. The president of the board of health shall be appointed by the board of health from among the members for a term of one year.

(Prior code § BH:2-2)

8.56.050 Secretary of the board of health.

- A. Establishment of Position. There shall be a secretary of the board of health who shall be responsible to the board of health and who shall issue all licenses authorized by the board of health.
- B. Appointment. The secretary of the board of health shall be appointed by the board of health from among its members for a term of one year.

(Prior code § BH:2-3).

8.56.060 Registrar of vital statistics.

- A. Establishment of Position. There shall be a registrar of vital statistics who shall be responsible to the board of health.
- B. Appointment. The registrar of vital statistics shall be appointed by the board of health from among the members for a term of one year.

(Prior code § BH:2-4)

8.56.070 Health officer.

- A. Establishment of Position. There shall be a health officer of the board of health who shall be responsible to the board of health.

- B. Appointment. The health officer of the board of health shall be appointed by the board of health for a term of one year.

(Prior code § BH:2-5)

8.56.080 Emergency powers of the health officer.

Whenever the health officer of the board of health finds that the public safety will not permit delay, he or she may exercise one or more of the following powers without having to resort to legal proceedings and without the necessity of giving notice or holding any hearing which would otherwise be required under any provision of this code.

- A. Power to Prevent the Sale of Food. The health officer may prohibit the importation into the borough or sale of any food, drink or other item intended for human consumption or use from a source suspected of being infected, contaminated, unsanitary, unhealthy or dangerous.
- B. Power to Seize and Destroy Unwholesome Food. The health officer may order the seizure and destruction of any food, drink or other item intended for human consumption which is unwholesome or dangerous or likely to cause sickness or injury to the persons who consume it.

(Prior code § BH:2-6)

8.56.090 Right of entry.

- A. Inspection of Premises. The board of health, its agents and employees shall have the right to inspect any premises in the borough if they have reason to believe that any provision of this article is being violated or as part of a regular program of inspection.
- B. Search Warrant. If the owner or occupant of any premises refuses to permit entry for the purpose of inspection, the board of health may apply to the municipal judge of the borough for a search warrant. The application shall be based upon an affidavit setting forth that the inspection is part of a regular program of inspection or that conditions and circumstances provide a reasonable basis for believing that a nuisance or unsanitary or unhealthy condition exists on the premises. If the municipal judge is satisfied as to the matters set forth in the affidavit, he or she shall authorize the issuance of a search warrant permitting access to and inspection of the premises.

(Prior code § BH:2-7)

8.56.100 Abatement of nuisances.

- A. Notice to Abate Nuisance.
 - 1. Whenever anything declared by this article to be a nuisance or any unsanitary or unhealthy condition is found on any premises within the borough, notice shall be given to the owner or person in control of the premises to remove or abate it within the time specified in the notice but not less than five days from the date of service.
 - 2. Whenever anything declared by this article to be a nuisance or any unsanitary or unhealthy condition is found on any public property, highway or other public premises or place, notice shall be given to the person in charge to remove or abate the nuisance within the time specified. If that person fails to comply with the notice within the time specified, the board of health or its agents or employees may remove or abate the nuisance or condition in the manner provided for a like condition existing on a private premises or place.

- B. Abatement by Health Officer. If the owner or person in control of the premises upon being notified as provided by subsection A of this section does not comply with the notice within the time specified and fails to remove or abate the nuisance or condition, the board of health or its agents or employees shall proceed to abate the nuisance or condition or may cause it to be removed or abated in a summary manner by such means as shall be deemed proper.
- C. Recovery of Costs. Whenever any cost or expense is incurred by the borough as a result of the board of health, its agents or employees abating or removing or causing to be abated or removed any nuisance or unsanitary or unhealthy condition, the costs and expense may be recovered in the following manner:
1. In all cases where practical and permitted by law, such costs shall be certified to the division of tax assessments and shall be a part of the taxes next assessed upon the premises on which the nuisance or unsanitary or unhealthy condition was located.
 2. Where the borough is not permitted by law or it is impractical to proceed under subsection (C)(1) of this section, the cost or expense shall be recovered by an action at law in any court of competent jurisdiction, which action shall be instituted by the board of health in the name of the borough.

Regardless of how costs are actually recovered, they shall be in addition to and shall not affect the imposition of any penalties for the violation of this section.

(Prior code § BH:2-8)

8.56.110 Reporting of contaminated food.

Any person knowing of anything being offered for sale as food for human consumption which he or she has reason to believe is spoiled, contaminated or otherwise unfit for human consumption shall immediately report this fact to the board of health or to one of its officers or inspectors.

(Prior code § BH:2-9)

8.56.120 Power to make rules and regulations.

The board of health may make by resolution rules and regulations which interpret or amplify any provision of this article or for the purpose of making the provisions of this article more effective. No regulation, however, shall be inconsistent with, alter or amend any provision of this article; and no regulation shall impose any requirement which is in addition to or greater than the requirements that are expressly or by implication imposed by any provisions of this article.

(Prior code § BH:2-10)

Article 3 ***Plumbing Code***

8.56.130 Establishment of code.

A code regulating the installation, maintenance, repair and control of the plumbing of buildings and the connection thereof with outside sewers, cesspools or other receptacles, regulating the practice of plumbing and the issuance of licenses to practice plumbing, is established pursuant to R.S. 26:3-69.1, et seq. A copy of the code is annexed to this article and made a part of it without the inclusion of the text.

(Prior code § BH:3-1)

8.56.140 Short title.

The code established and adopted by this chapter is described and commonly known as the "Plumbing Code of New Jersey (Revised 1964)."

(Prior code § BH:3-2)

8.56.150 Public record.

Three copies of the Plumbing Code of New Jersey (Revised 1964) have been placed on file in the office of the secretary of the board of health and the office of the borough clerk for the use and examination of the public.

(Prior code § BH:3-3)

8.56.160 Fees.

In connection with the provisions of this article and the code hereby established and adopted as a part hereof, the following fees shall be charged and received:

Filing plans for proposed plumbing work, two dollars (\$2.00)

Fees, for installation, construction, renovation and inspection of plumbing shall be as provided in Section 15.08.010(B), of this code.

(Ord. 2001/27 § 8 (part); prior code § BH:3-4)

Article 4
Food and Beverage
Vending Machine Code

8.56.170 Establishment of code.

A code regulating the use, operation and maintenance of food and beverage vending machines and licensure thereof; prohibiting the sale or possession with intent to sell through vending machines of adulterated or misbranded foods or drinks; authorizing inspection of vending machines and operations connected therewith; and fixing penalties for violations thereof is established pursuant to R.S. 26:3—69.1, et seq. A copy of the code is annexed to this article and made a part of it without the inclusion of the text.

(Prior code § BH:4-1)

8.56.180 Short title.

The code established and adopted by this article is described and commonly known as the "Food and Beverage Vending Machine Code of New Jersey (1961)."

(Prior code § BH:4-2)

8.56.190 Public record.

Three copies of the Food and Beverage Vending Machine Code of New Jersey (1961) have been placed on file in the office of the secretary of the board of health and the office of the borough clerk for the use and examination of the public.

(Prior code § BH:4-3)

8.56.200 Health authority.

The code is amended in Section 1.1Q to add the following:

Q. 'Health Authority' as defined herein, for enforcement purposes, shall also mean and include regular and special patrolmen and superior officers of the police department, the building inspector or building official, the plumbing inspector, the health officer, the secretary of the board of health or any other official authorized by the board of health to enforce this code and chapter.

(Prior code § BH:4-4)

8.56.210 License fee.

The annual license fee to engage in the business which is the subject matter of this article shall be five dollars (\$5.00) for all types of food and beverage vending machines.

(Prior code § BH:4-5)

Article 5
Public Health Nuisance Code

8.56.220 Establishment of code.

A code defining and prohibiting certain matters, things, conditions or acts and each of them as a nuisance, prohibiting certain noises or sounds, requiring the proper heating of apartments, prohibiting lease or rental of certain buildings, prohibiting spitting in or upon public buildings, conveyances or sidewalks, authorizing the inspection of premises by an enforcing official, providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the board of health in removing or abating such nuisances and prescribing penalties for violations is established pursuant to R. S. 26:3—69.1, et seq. A copy of the code is annexed to this article and made a part of it without the inclusion of the text.

(Prior code § BH:5-1)

8.56.230 Short title.

The code established and adopted by this article is described and commonly known as the "Public Health Nuisance Code of New Jersey (1953)."

(Prior code § BH:5-2)

8.56.240 Public record.

Three copies of the Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the secretary of the board of health and the office of the borough clerk and for the use and examination of the public.

(Prior code § BH:5-3)

8.56.250 Enforcing officials.

The code is amended in Section 1.1 to read as follows:

1.1. Enforcing officials shall mean and include regular and special patrolmen and superior officers of the police department, the building inspector or building official, the plumbing inspector of the borough, the health officer or any other official authorized by the board of health to enforce this code and chapter.

(Prior code § BH:5-4)

Article 6
General Regulations

8.56.260 Ice.

No person shall sell or use or cause to be sold or used ice for drinking or eating purposes which has been obtained from any polluted or unclean pond, creek, river, brook, lake or stream, or ice that in the judgment of the board of health or its inspectors is unfit for use. All persons engaged in the sale of ice within the limits of the borough shall first procure a permit from the board. They shall register their names and addresses with the secretary of the board stating their source of supply and when requested to do so shall furnish a chemical and microscopical analysis of the ice.

(Prior code § BH:6-1)

8.56.270 Garbage and waste matter.

- A. Accumulation Prohibited. No owner, agent, lessee, tenant or occupant of any premises shall allow any garbage, shells, tin cans or waste matter of any kind which is or may become a menace to the public health to accumulate on his or her premises. All garbage shall be removed from the premises at least every other day during the months of May, June, July, August and September and at least twice a week during the other months of the year.
- B. Receptacles. The owner, agent, lessee or occupant of every dwelling, market, restaurant, hotel, boardinghouse or other premises where garbage may be produced shall deposit all such garbage in suitable watertight and closely covered receptacles as required by the provisions of Chapter 8.24.
- C. Collection. No garbage shall be removed from any premises except by the borough garbage collector or persons who shall be licensed by the borough council in accordance with the provisions of Chapter 8.24.
- D. Regulations.
 - 1. No cart or other vehicle for carrying fat, bones, butcher's waste, offal, swill, garbage, manure or the contents of any privy vault, cesspool or other receptacles for filth and having upon it or in it any offensive or obnoxious substance shall stand or remain at any time in the streets or other public places

for a longer time than ten (10) minutes, excepting when being loaded; nor shall any such cart or vehicle or the driver thereof or anything thereunto appertaining be (or by any person having a right to control the same, be allowed to be) in a filthy or offensive condition. When not in use, all such carts and vehicles and all implements used in connection therewith shall be stored and kept in a place where no nuisance shall be created.

2. Any owner, agent, tenant, lessee or occupant of any lot, ground, building, house or stable in the borough on notice from the board shall remove from the lot, ground, building house or stable any rubbish, garbage, offal, manure or any offensive matter or thing.

(Prior code § BH:6-2)

8.56.280 Domestic animals.

- A. Permit. No person shall keep or permit to be kept any cattle, swine or goats on any premises within the limits of the borough without a permit to do so from the board, which permit shall be revocable at any time by the board.
- B. Conditions of Premises. Every owner, lessee, tenant or occupant of any stall, stable or apartment in which any horse or other cattle shall be kept or of any place in which any manure or any solid or liquid discharge or excrement may collect or accumulate shall at all times keep or cause to be kept such stalls, stables or apartments and the drainage yard and appurtenances thereof in a clean, healthful and wholesome condition and no offensive smell shall be allowed to escape therefrom. All solid excreta shall be removed from all livery and boarding stable premises when notice to that effect is given by the board. During the months of June, July, August and September all such excreta shall be removed between the hours of ten p.m. and six a.m., unless a permit for its removal during the day be given. All manure or excreta shall be removed from all private stables and premises where it may accumulate when notice to that effect is given by the board. All vehicles carrying manure shall be so constructed that no manure or refuse shall fall or drop therefrom during its transportation through the streets of the borough. The loads shall not extend above the top of the sides of the box or the body of the wagon.
- C. Regulations.
 1. No person shall build, construct, reconstruct or maintain any receptacle for manure within twenty-five (25) feet of any street, avenue or dwelling without first having obtained a written permit from the board.
 2. No person shall slaughter or disembowel any cattle, sheep or swine within the limits of the borough without a permit from the board.
 3. No person shall keep or allow to be kept in any dwelling house or any part thereof nor in any enclosure within ten (10) feet of any dwelling house any horses, cattle, swine, goats or fowls without a permit from the board.
- D. Chickens.
 - (1) The purpose of this section is to allow and provide for standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domestic chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept. As used herein, the term "chicken" shall only refer to female chickens, also known as hens. Male chickens (roosters) are not permitted.

- (2) No person shall keep, harbor or raise chickens or permit same to be kept, harbored or raised within the limits of the borough without a permit to do so from the board of health, which permit shall be revocable at any time by the board. Permits shall be issued annually and are personal to the permittee and may not be assigned.
 - (i) The fee for an initial permit shall be fifty dollars (\$50.00). Thereafter, the fee for the renewal of the annual permit shall be twenty dollars (\$20.00).
 - (ii) The applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards set forth herein.
 - (iii) The application and all renewals shall be submitted to the secretary to the board of health.
 - (iv) If the applicant resides in two-family dwelling or multi-family dwelling (other than townhouse, condominium or apartment building) the application shall contain the consent of all residents of the subject dwelling.
 - (v) If the applicant resides in a townhouse or condominium or apartment building the application shall contain the consent of the landlord, co-op association or condominium association.
 - (vi) Any landlord, co-op association, condominium or homeowners association shall have the right to ban or permit the keeping of chickens subject to the regulations herein.
 - (vii) Each applicant must provide proof of completion of an appropriate educational course on the proper keeping of chickens.
- (3) The maximum number of chickens permitted per building or residential lot, regardless of how many dwelling units are on the lot, is six.
- (4) Chickens shall be kept for personal use only. No person shall sell eggs or engage in chicken breeding, slaughtering or fertilizer production for commercial purposes. Chickens may not be slaughtered on the property.
- (5) Enclosures.
 - (i) Chickens must be kept in an enclosure or fenced area at all times during daylight hours, which enclosure shall be in the rear yard, not visible from the street. Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use and enjoyment of neighboring properties due to noise, odor or other adverse impact. The enclosure must provide adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats. This enclosure must provide a minimum of five square feet per adult bird.
 - (ii) Chickens shall be secured within a henhouse during non-daylight hours. The structure shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and birdproof wire of less than one inch openings. The use of scrap, waste board, sheet metal or similar materials is prohibited. The henhouse must be well-maintained and provide a minimum of three square feet per adult bird.
 - (iii) The henhouse and enclosure is permitted only in the rear yard and shall comply with the accessory structure setbacks for the zone, but not less than ten (10) feet from the property line and fifteen (15) feet from any dwelling on the property and not less than twenty-five (25) feet from any dwelling on an adjoining lot.

- (iv) Henhouses shall only be located in rear yards where a primary residence exists on the property. For a corner lot or other property where no rear yard exists, these facilities shall not be located any closer to a public street than the primary residence and shall not be located in any portion of the front yard. Henhouses are not permitted inside any part of a dwelling.
- (v) Chickens shall be kept and maintained at all times in a humane manner and in accordance with good agricultural practices.
- (6) Predators, rodents, insects and parasites.
 - (i) A permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens that are infested, diseased or having any other condition that presents a risk to human health and/or safety shall be promptly removed by the permittee. Deceased chickens shall be disposed of promptly in a sanitary manner.
- (7) Feed and Water.
 - (i) Chickens must be provided with access to clean feed and water at all times.
 - (ii) All chicken feed shall be kept in a covered and secured container off the ground and shall be unavailable to rodents, wild birds and predators.
- (8) Waste Storage and Removal.
 - (i) The henhouse, chicken pen/enclosure and surrounding area must be kept free from trash and accumulated droppings. Accumulated droppings or manure must be regularly removed in a proper and sanitary manner. All stored manure shall be covered by a fully enclosed container or compost bin.
- (9) Enforcement.
 - (i) The provisions of this section may be enforced by the Freehold Borough Board of Health and/or the Freehold Borough Code Enforcement office.
 - (ii) Any violation of this section shall be subject to a fine not to exceed one thousand two hundred and fifty dollars (\$1,250.00) dollars per offense. Additionally, the board of health may order the removal of the chickens and chicken-related structures, as appropriate in the event of a conviction of any provision of this section which poses a risk to human health and/or safety, or the safety of the chickens.

(Prior code § BH:6-3.3)

(Ord. No. 2020/3, § I, 2-3-20; Ord. No. BOH 2020/1, § I, 9-10-20)

8.56.285 Lead based paint poisoning prevention.

8.56.285.1 Definitions.

"Certified lead-based paint inspector" means an individual who has been trained by an accredited training program as approved by the EPA, NJDEP or other governmental agency of the State of New Jersey.

"Certification of clearance" means a clearance issued by the board of health. The Clearance shall only issue after inspection by a certified lead-based paint inspector confirming that the rental property does not contain deteriorated lead-based paint.

"Defective paint" means any paint located on any interior or exterior surface that, through a visual assessment is found to be damaged, deteriorated, loose, cracked, peeling, chipped, blistered, chalking or flaking.

"Interim controls" means a set of measures or processes designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, temporary containment, painting, maintenance, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or one-half percent by weight or five thousand (5,000) parts per million (ppm) by weight.

"Lead contaminated dust" means dust particles that contain lead in excess of the levels established by the United States Environmental Protection Agency pursuant to the Toxic Substance Control Act, Section 403, 40 C.F.R. 745.61 to 745.69.

"Lead free" means the circumstance in which the interior and exterior surfaces of a building do not contain any lead-based paint.

"Lead safe" means the circumstance in which the interior and exterior surfaces of a building are free of a condition that causes or may cause exposure to lead from lead-contaminated dust, defective lead-based paint or defective presumed lead-based paint.

"Presumed lead-based paint" means surface coating affixed to a surface that was constructed prior to March 1978 that an owner or landlord is unable to demonstrate that it contains no lead.

"Risk assessment" means the visual inspection of a dwelling to determine the condition of all interior and exterior painted surfaces, including the detection of any evidence of chewing on painted surfaces.

(Ord. No. BOH 2020/2, § I, 12-10-20)

8.56.285.2 Violations.

The interior and exterior of every residential building or unit shall be maintained such that lead-based paint shall not be defective.

If, upon visual assessment, a defective paint condition is found, a notice of violation or summons may issue.

(Ord. No. BOH 2020/2, § I, 12-10-20)

8.56.285.3 Inspections.

As part of an application for a continued certificate of occupancy (CCO), at the change of every tenancy or ownership, all owners of residential properties or units constructed prior to 1978 shall apply for a certification of clearance from the board of health. The clearance shall only issue after inspection by a certified lead-based paint inspector confirming that the rental property is lead safe. Upon certification from the certified lead-based paint inspector, the board of health shall issue a certification of clearance which shall then be filed with the Freehold Borough Code Office as part of the CCO application process. No CCO or CO shall issue until the board of health has issued a certification of clearance evidencing that the rental property does not contain defective lead-based paint.

A. A certificate of clearance shall not be required for those dwellings constructed during or after 1978.

(Ord. No. BOH 2020/2, § I, 12-10-20)

8.56.285.4 Remedies.

A defective paint violation may be remedied by one of the following methods:

- A. Certification by a lead-based paint inspector or risk assessor that the property has been determined, through a lead-based paint inspection conducted in accordance with federal regulations, to be lead safe.
- B. Certification by a lead-based paint inspector or risk assessor that all cited violations have been abated, or interim controls implemented.
- C. Where only exterior deteriorated or defective paint violations are cited, clearance may be granted by the board of health through a visual inspection.

(Ord. No. BOH 2020/2, § I, 12-10-20)

8.56.285.5 Enforcement.

- A. This chapter shall be enforced by the board of health and/or code enforcement office of the Borough of Freehold.

(Ord. No. BOH 2020/2, § I, 12-10-20)

8.56.285.6 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to the fine set forth in Chapter 2.150.

(Ord. No. BOH 2020/2, § I, 12-10-20)

Article 7 ***Retail Food Establishments***

8.56.290 Establishment of code.

A code regulating retail food establishments and fixing penalties is established pursuant to R.S. 26:3-69.1 et seq. A copy of the code is annexed to this chapter and made a part of it without the inclusion of the text.

(Prior code § BH:7-1)

8.56.300 Title.

The code established and adopted by this chapter is described and commonly known as Chapter 12, New Jersey State Sanitary Code revised January, 1992.

(Prior code § BH:7-2)

8.56.310 Public record.

Three copies of the Chapter 12, New Jersey State Sanitary Code, as supplemented and amended from time to time have been placed on file in the office of the board of health and the borough clerk for the use and examination of the public.

(Prior code § BH:7-3)

8.56.320 Violations.

- A. Violations of this chapter shall be punishable in accordance with the provisions of ordinance Section 1.08, as revised from time to time.
- B. The provisions of this chapter may be enforced by the Freehold Health Department and/or health officers or employees so designated by the board.

(Prior code § BH:7-4)

(Ord. No. 2010/9, § I, 5-17-10)

8.56.330 Retail food establishment fees and license.

- A. The retail food establishment license shall be issued annually by the board of health, on or about January 1 of each year. New establishments must obtain the license prior to opening the establishment.
- B. Failure to obtain a license within fourteen (14) days of its due date shall be a violation of this chapter.
- C. The following fees shall be submitted to the Borough of Freehold for inspections and issuance of retail food establishment licenses:
 - 1. Temporary food establishment license (to be open less than seven days): \$25.00
 - 2. Restaurants with one to fifty (50) seats or less than three thousand (3,000) square feet: \$100.00
 - 3. Restaurants with fifty-one (51) to one hundred (100) seats or three thousand and one (3,001) to ten thousand (10,000) square feet: \$200.00
 - 4. Restaurants with greater than two hundred (200) seats or more than ten thousand (10,000) square feet: \$300.00
- D. Late fees. Every licensed personnel/establishment that fails to complete the renewal application as of January 31 of the licensing year shall be assessed a late fee equaling fifty (50) percent of the license fee as set forth in Section 8.56.320C., above.

(Ord. 2005/1 § 1: prior code § BH:7-5)

(Ord. No. 2010/9, § I, 5-17-10; Ord. No. 2017/12, § I, 12-4-17)

Editor's note(s)—Ord. No. 2010/9, § I, adopted May 17, 2010, amended § 8.56.330 title to read as herein set out. Former § 8.56.330 title pertained to fees.

8.56.340 Food handler's license.

- 1. a. Any person or entity owning and/or operating a retail food establishment as defined in the New Jersey State Sanitary Code must secure a food handler's license from the borough health department.
 - b. The food handler's license must be renewed every three years.
- 2. Food Service Training. Definition: "Basic food service training" — a minimum five-hour general course of instruction for personnel in retail food establishments which includes instruction in proper sanitation, personal hygiene, equipment storage and handling, food preparation and handling, food microbiology and

temperature control, vermin control, garbage storage and disposal and other health related subjects. Such course of instruction shall be approved by the health officer.

3. Participation in Basic Course Required. The owner and/or manager of a retail food establishment, and/or any full time employee who shall be the designated representative of either, applying for a retail food establishment license must register for and successfully complete a basic food service training course approved by the health officer. The person or persons chosen to attend the training must be in a position to manage the proper operation of the food establishment. The owner and/or manager or designated representative must complete the course at least once every three years. Upon successful completion of the course, the participant shall receive a "Food Handler's Certificate" which must be posted in the retail food establishment.
 - a. For these retail food establishments where there are over five or more employees working on the premises, in any capacity, and any given time, this course must be completed within one year of adoption of this ordinance.
 - b. For all retail food establishments, this course must be completed within two years of adoption of this ordinance.
4. Availability of Trained Personnel. There shall be a person or persons available to the retail food establishment during its hours of operation and anytime during an emergency, who has successfully completed this food training course and is a holder of a current "Food Handler's Certificate".

The person so trained shall be required to share and pass training and information on to all employees of that establishment.

5. Exemption. The following shall be exempt from the requirements of this ordinance:
 - a. Any owner and/or manager or full-time employee of a retail food establishment producing evidence of completion of a similar or more comprehensive food handler's course shall be reviewed for acceptance and exemption by the board of health.
 - b. Retail food establishments where there is no food preparation, or personal food contact, shall be exempted from this article.
 - c. Non-profit organizations.
 - d. Temporary food establishments such as street vendors.

(Prior code § BH:7-6)

8.56.350 Standard operating procedural guidelines for retail food inspections.

1. That a certain document, three copies of which are on file in the office of the clerk of the borough being marked and designated as, "Standard Operating Procedural Guidelines For Retail Food Inspections" is adopted as the guidelines for retail food inspections by the Freehold Borough board of health; and each and all of the regulations and guidelines of the standard operating procedural guidelines for retail food inspections, are referred to, adopted, and made a part of this chapter, unless specifically deleted or amended herein, as if fully set forth in this chapter.

(Prior code § BH:7-6A)

8.56.360 Suspension or revocation of license.

1. Any license issued under the term and provisions of this article may be suspended or revoked by the board of health of this municipality for the violation by the licensee of any provision of this article or Chapter 12 of the New Jersey State Sanitary Code or whenever it shall appear that the business, trade, calling profession or occupation of the person, firm or corporation to whom such license was issued is conducted in a disorderly or improper manner or in violation of any law of the United States, the state of New Jersey, or any ordinance of this municipality, or that the purpose for which the license has been issued is being abused to the detriment of the public, or such license is being used for a purpose foreign to that for which the license was issued.
2. A license issued under the terms and provisions of this article shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the board of health. Written notice of the time and place of such hearing shall be served upon the licensee at least three days prior to the date set such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified, or by depositing the same in the United States post office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing before the board of health, the permit aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the board of health, the complaint may be dismissed or if the board of health concludes that the charges have been sustained and substantiated, it may revoke or suspend the license held by the licensee.
3. If any such license shall have been revoked, neither the holder thereof nor any person acting for him directly or indirectly, shall be entitled to another license to carry on the same business within the borough unless the application for such license shall be approved by the board of health, and all fees and fines are paid in full.

(Prior code § BH:7-7)

Article 8 **Wildlife Feeding**

8.56.370 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Feed" means to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

"Person" includes, but is not limited to, individuals, corporations, companies, associations, societies, including nonprofit organizations, firms, partnerships, joint-stock companies, individuals and governmental entities.

"Waterfowl" means any bird that frequents the water, or lives about rivers, lakes, etc. or on or near the sea; aquatic fowl including, but not limited to ducks, geese, swans, herons and egrets.

"Wild animal" means any animal, which is not human nor domesticated, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossum, raccoons, skunks, waterfowl, wolves and hybrid wolves.

(Ord. No. 2017/2, § 1, 2-6-17)

8.56.380 Wildlife feeding.

- A. Feeding of wild animals, birds and waterfowl prohibited.
1. No person shall purposely or knowingly, as said terms are defined in N.J.S.A., tit. 2C, feed, bait or in any manner provide access to food to any wild animal, birds or waterfowl in Freehold Borough, on lands either publicly or privately owned, except as permitted by subsection B below. This section shall not apply to the feeding of farm animals, nor to confined wildlife (for example, wildlife confined in stables, parks or rehabilitation centers, nor unconfined wildlife at environmental education centers).
 2. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit or grain in a manner that would constitute an attractant to any wild animal or waterfowl.
 3. After being advised by the borough to undertake remedial action to avoid contact or conflict with wild animals, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food, bird feeders or any other similar food source or attractant.
 4. Nothing in this section shall apply to:
 - a. Any agent of the borough authorized to implement an alternative control method set forth in any approved community-based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of (a) N.J.S.A. 23:4-42.3 et seq.; or (b) issued in accordance with the provisions of N.J.S.A. tit. 23.
- B. Feeding of songbirds and other backyard birds permitted. Feeding of songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:
1. Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;
 2. Does not create an accumulation of droppings on the property and surrounding properties; and
 3. Does not become an attractant for rodents or other wild animals.

(Ord. No. 2017/2, § I, 2-6-17)

8.56.390 Enforcement.

- A. This chapter shall be enforced by the board of health, police department and/or code enforcement office of the Borough of Freehold.
- B. Any person found to be in violation of this chapter shall be ordered to cease the feeding immediately. Failure to cease immediately, or, having been given notice of violation, any person who again feeds wildlife, shall be deemed to have violated this chapter.

(Ord. No. 2017/2, § I, 2-6-17)

8.56.400 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed five hundred dollars (\$500.00).

(Ord. No. 2017/2, § I, 2-6-17)

Chapter 8.57 STORMWATER BEST MANAGEMENT PRACTICES³

8.57.010 Scope and purpose.

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure best management practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.
- C. Applicability.
 - 1. This chapter shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the residential site improvement standards at N.J.A.C. 5:21.
 - 2. This chapter shall also be applicable to all major developments undertaken by Freehold Borough.
- D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this chapter are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

(Ord. No. 2021/2, § 1, 3-1-21)

8.57.020 Definitions.

For the purpose of this chapter, 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. The definitions below are the same as or based on the corresponding definitions in the stormwater management rules at N.J.A.C. 7:8-1.2.

³Editor's note(s)—Ord. No. 2021/2, §§ 1—11, adopted March 1, 2021, amended Ch. 8.57 in its entirety to read as herein set out. Former Ch. 8.57, §§ 8.57.010—8.57.110 and Ex. A, pertained to similar subject matter and derived from Ord. No. 2008/17, §§ 1—11 and Ex. A, adopted Dec. 1, 2008.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the county board of chosen freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the department of environmental protection.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Designated center" means a state development and redevelopment plan center as designated by the state planning commission such as urban, regional, town, village, or hamlet.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

In the case of development of agricultural land, development means: any activity that requires a state permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

"Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Empowerment neighborhoods" means neighborhoods designated by the urban coordinating council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the department's landscape project as approved by the department's endangered and nongame species program.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the department's landscape project as approved by the department's endangered and nongame species program.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2nd, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2nd, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since or the effective date of this chapter.
4. A combination of 2. and 3. above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1., 2., 3., or 4. above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

"Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

"Municipality" means any city, borough, town, township, or village.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with section 8.57.040.F of this chapter and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the state planning commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this state and any state, interstate or federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

"Regulated motor vehicle surface" means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the state plan policy map and adopted by the state planning commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

"State Plan Policy Map" is defined as the geographic application of the state development and redevelopment plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

"Stormwater management BMP" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Tidal flood hazard area" means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

"Urban coordinating council empowerment neighborhood" means a neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

"Urban enterprise zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

"Urban redevelopment area" is defined as previously developed portions of areas:

1. Delineated on the state plan policy map (SPPM) as the metropolitan planning area (PA1), designated centers, cores or nodes;
2. Designated as CAFRA centers, cores or nodes;
3. Designated as urban enterprise zones; and
4. Designated as urban coordinating council empowerment neighborhoods.

"Water control structure" means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

"Waters of the state" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

(Ord. No. 2021/2, § 2, 3-1-21)

8.57.030 Design and performance standards for stormwater management measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with department rules. Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

(Ord. No. 2021/2, § 3, 3-1-21)

8.57.040 Stormwater management requirements for major development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with section 8.57.100.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the department's landscape project or natural heritage database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of section 8.57.040.P, Q. and R.:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of section 8.57.040.O, P., Q. and R. may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of section 8.57.040.O, P., Q. and R. to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of section 8.57.040.O, P., Q. and R., existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under section 8.57.040.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of section 8.57.040.O, P., Q. and R. that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in section 8.57.040.O, P., Q. and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2(f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the department's website at: https://njstormwater.org/bmp_manual2.htm.

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- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this chapter the BMP tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	—
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	—
Manufactured Treatment Device ^(a) ^(g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60—80	No	No	—

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50—90	Yes	No	N/A

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
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Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40—60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50—90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) Subject to the applicable contributory drainage area limitation specified at section 8.57.040.O.2;
 - (b) Designed to infiltrate into the subsoil;
 - (c) Designed with underdrains;
 - (d) Designed to maintain at least a 10-foot wide area of native vegetation along at least fifty (50) percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) Designed with a slope of less than two percent;
 - (f) Designed with a slope of equal to or greater than two percent;
 - (g) Manufactured treatment devices that meet the definition of green infrastructure at section 8.57.020;
 - (h) Manufactured treatment devices that do not meet the definition of green infrastructure at section 8.57.020.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the department in accordance with section 8.57.060.B. Alternative stormwater management measures may be used to satisfy the requirements at section 8.57.040.O only if the measures meet the definition of green infrastructure at section 8.57.020. Alternative stormwater management measures that function in a similar manner to a BMP listed at section 8.57.040.O.2 are subject to the contributory drainage area limitation specified at section 8.57.040.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at section 8.57.040.O.2 shall have a contributory drainage area less than or equal to two and one-half acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a

variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with section 8.57.040.D is granted from section 8.57.040.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone); Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.57.080.C;
 - 2. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 3. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at section 8.57.080; and
 - 4. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at section 8.57.020 may be used only under the circumstances described at section 8.57.040.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at section 8.57.020 shall be submitted to the soil conservation district for review and approval in accordance with the requirements at sections 8.57.040.O, P., Q. and R. and any applicable soil conservation district guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at section 8.57.040.P, Q. and R. shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would

occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Monmouth County Clerk. A form of deed notice shall be submitted to Freehold Borough for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at section 8.57.040.O, P., Q. and R. and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to section 8.57.100.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within one hundred eighty (180) calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to section 8.57.040 of this chapter and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Monmouth County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with subsection M. above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with subsection M. above.

- O. Green Infrastructure Standards.
 - 1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
 - 2. To satisfy the groundwater recharge and stormwater runoff quality standards at section 8.57.040.P and Q., the design engineer shall utilize green infrastructure BMPs identified in Table 1 at section 8.57.040.F. and/or an alternative stormwater management measure approved in accordance with section 8.57.040.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at section 8.57.040.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with section 8.57.040.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with section 8.57.040.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with section 8.57.040.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at section 8.57.040.P, Q. and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at section 8.57.040.P, Q. and R., unless the project is granted a waiver from strict compliance in accordance with section 8.57.040.D.

P. Groundwater Recharge Standards.

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at section 8.57.050, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100) percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to subsection 4. below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to,

raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards.

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty (80) percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with subsection 2. above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is one and one-quarter inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4—Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600

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13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required eighty (80) percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in section 8.57.040.P, Q, and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a three hundred (300) foot riparian zone without prior authorization from the department under N.J.A.C. 7:13.
 9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a three hundred foot (300) foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by ninety-five (95) percent of the anticipated load from the developed site, expressed as an annual average.
 10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3rd, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
- R. Stormwater Runoff Quantity Standards.
1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at section 8.57.050, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the two-, 10- and 100-year storm events are fifty (50), seventy-five (75) and eighty (80) percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with subsections 2.i., ii. and iii. above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
 3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

(Ord. No. 2021/2, § 4, 3-1-21)

8.57.050 Calculation of stormwater runoff and groundwater recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - ii. The rational method for peak flow and the modified rational method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each soil conservation district is available from the state soil conservation committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at section 8.57.050.A.1.i and the rational and modified rational methods at section 8.57.050.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.

4. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/nigs/pricelst/greport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

(Ord. No. 2021/2, § 5, 3-1-21)

8.57.060 Sources for technical guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the department's website at:
http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the department's website at:
https://www.njstormwater.org/maintenance_guidance.htm.

- B. Submissions required for review by the department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

(Ord. No. 2021/2, § 6, 3-1-21)

8.57.070 Solids and floatable materials control standards.

- A. Site design features identified under section 8.57.040.F above, or alternative designs in accordance with section 8.57.040.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see section 8.57.070.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than one-half inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer

bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.
2. The standard in subsection A.1. above does not apply:
- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of one-half inches.

Note that these exemptions do not authorize any infringement of requirements in the residential site improvement standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

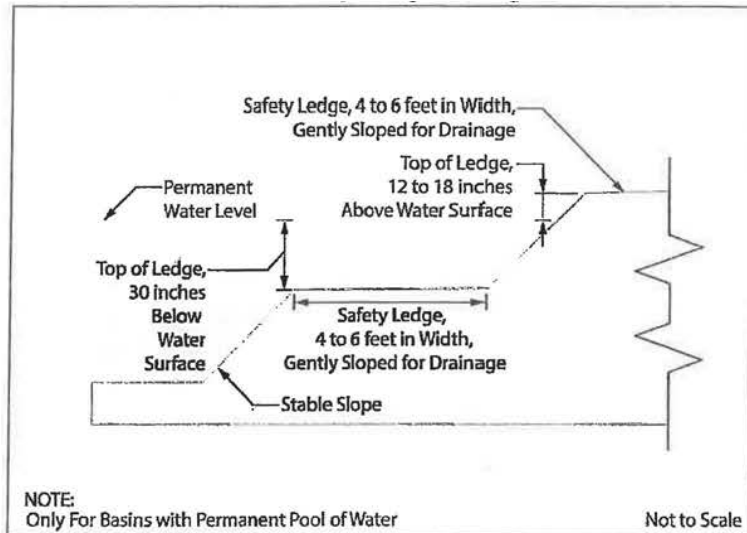
(Ord. No. 2021/2, § 7, 3-1-21)

8.57.080 Safety standards for stormwater management basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in subsections 8.57.080.C.1—3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed two and one-half feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to section 8.57.080.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See section 8.57.080.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- D. Variance or Exemption from Safety Standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.
- E. Safety Ledge Illustration.

Elevation View—Basin Safety Ledge Configuration



(Ord. No. 2021/2, § 8, 3-1-21)

8.57.090 Requirements for a site development stormwater plan.

- A. Submission of Site Development Stormwater Plan.
1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at section 8.57.090.C below as part of the submission of the application for approval.
 2. The applicant shall demonstrate that the project meets the standards set forth in this chapter.
 3. The applicant shall submit nine copies of the materials listed in the checklist for site development stormwater plans in accordance with section 8.57.090.C of this chapter.
- B. Site Development Stormwater Plan Approval. The applicant's site development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.
- C. Submission of Site Development Stormwater Plan. The following information shall be required:
1. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200) feet beyond the limits of the proposed development, at a scale of one inch equals two hundred (200) feet or greater, showing two-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing manmade structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis. A written and graphic description of the natural and manmade features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
3. Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
4. Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of sections 8.57.030 through 8.57.050 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
5. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations.
 - i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in section 8.57.040 of this chapter.
 - ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of section 8.57.100.
8. Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in subsections 8.57.090.C.1—6 of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

(Ord. No. 2021/2, § 9, 3-1-21)

8.57.100 Maintenance and repair.

- A. Applicability. Projects subject to review as in section 8.57.010.C of this chapter shall comply with the requirements of subsections 8.57.100.B and C.
- B. General Maintenance.
 - 1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - 2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
 - 3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 - 4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 - 5. If the party responsible for maintenance identified under section 8.57.100.B.3 above is not a public agency, the maintenance plan and any future revisions based on section 8.57.100.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

- 6. The party responsible for maintenance identified under section 8.57.100.B.3 above shall perform all of the following requirements:
 - i. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

- iii. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsections 8.57.100.B.6 and 7. above.
- 7. The requirements of subsection 8.57.100.B.3 and 4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the department.

In the event the facility is dedicated to the borough, the developer shall post a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53.
- 8. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

(Ord. No. 2021/2, § 10, 3-1-21)

8.57.110 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine of not less than five hundred dollars (\$500.00) and not to exceed two thousand dollars (\$2,000.00).

(Ord. No. 2021/2, § 11, 3-1-21)

Chapter 8.60 ILLICIT STORM SEWER SYSTEM CONNECTIONS

Sections:

8.60.010 Purpose.

This chapter prohibits illicit connections to the municipal separate storm sewer system(s) operated by the borough of Freehold so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(Ord. 2006/13 § 1)

8.60.020 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated in this section 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. The definitions in this section are the

same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

"Domestic sewage" means waste and wastewater from humans or household operations.

"Illicit connection" means any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than storm water) to the municipal separate storm sewer system operated by the borough of Freehold, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

"Industrial waste" means nondomestic waste, including, but not limited to, those pollutants regulated under Sections 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. Sections 1317(a), (b), or (c)).

"Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Freehold Borough or other public body, and is designed and used for collecting and conveying storm water.

"NJPDES permit" means a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

"Noncontact cooling water" means water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Noncontact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

"Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

"Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

"Storm water" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

(Ord. 2006/13 § 2)

8.60.030 Prohibited conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the borough of Freehold any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than storm water).

(Ord. 2006/13 § 3)

8.60.040 Enforcement.

This chapter shall be enforced by the police department and/or the code enforcement office of the borough of Freehold.

(Ord. 2006/13 § 4)

8.60.050 Penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).

(Ord. 2006/13 § 5)

Chapter 8.64 IMPROPER DISPOSAL OF STORM SEWER SYSTEM MATERIALS

Sections:

8.64.010 Purpose.

This chapter prohibits the spilling, dumping, or disposal of materials other than storm water to the municipal separate storm sewer system (MS4) operated by the borough of Freehold, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(Ord. 2006/14 § 1)

8.64.020 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated in this section 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.

"Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the borough of Freehold or other public body, and is designed and used for collecting and conveying storm water.

"Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

"Storm water" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

(Ord. 2006/14 § 2)

8.64.030 Prohibited conduct.

The spilling, dumping, or disposal of materials other than storm water to the municipal separate storm sewer system operated by Freehold Borough is prohibited. The spilling, dumping, or disposal of materials other than storm water in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

(Ord. 2006/14 § 3)

8.64.040 Exceptions to prohibition.

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- C. Air conditioning condensate (excluding contact and noncontact cooling water).
- D. Irrigation water (including landscape and lawn watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from firefighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
 - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

(Ord. 2006/14 § 4)

8.64.050 Enforcement.

This chapter shall be enforced by police department and/or code enforcement office of the borough of Freehold.

(Ord. 2006/14 § 5)

8.64.060 Penalties.

Any person(s) who continues to be in violation of the provisions of this chapter, after being duly notified, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00). For purposes of this chapter, due notification shall mean a written notice left at the property address or delivered to the last known address of the person or entity alleged to have violated this provision, at least twenty-four (24) hours prior to the issuance of a summons or violation notice.

(Ord. 2006/14 § 6)

Chapter 8.68 RESERVED⁴

Chapter 8.72 YARD WASTE REGULATION

Sections:

8.72.010 Purpose.

This chapter establishes requirements for the proper handling of yard waste in Freehold Borough, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(Ord. 2006/16 § 1)

8.72.020 Definitions.

For the purpose of this chapter, 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.

"Containerized" means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.

"Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

"Scheduled pickup" means the times and dates noticed for pickup by the borough as noticed on the borough website, newsletters and as advertised in official newspapers.

"Street" means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

"Yard waste" means leaves and grass clippings.

(Ord. 2008/8 § 1 (part): Ord. 2006/16 § 2)

8.72.030 Prohibited conduct.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, may sweep, rake, blow or otherwise place uncontainerized yard waste at the curb, provided that the yard waste is not placed within ten (10) feet of any storm sewer inlet. No uncontainerized yard waste may be placed at the curb more than seven days prior to the scheduled pickup.

⁴Editor's note(s)—Ord. No. 2017/2, § II, adopted Feb. 6, 2017, repealed Ch. 8.68 in its entirety. Former Ch. 8.68, §§ 8.68.010—8.68.050, pertained to feeding of unconfined wildlife and derived from Ord. 2006/15 §§ 1—5.

Cross reference(s)—Tit. 8, Health and Safety, Ch. 8.56, Board of Health Regulations, Art. 8, Wildlife Feeding.

If yard waste that is not containerized is placed in the street, or at the curb within ten (10) feet of a storm sewer inlet, the party responsible for placement of yard waste must remove the yard waste from the street within twenty-four (24) hours or said party shall be deemed in violation of this chapter.

Bagged or containerized yard waste may be placed at the curb.

(Ord. 2008/8 § 1 (part): Ord. 2006/16 § 3)

8.72.040 Enforcement.

The provisions of this chapter shall be enforced by the police department and/or code enforcement office of the borough of Freehold.

(Ord. 2008/8 § 1 (part): Ord. 2006/16 § 4)

8.72.050 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed five hundred dollars (\$500.00).

(Ord. 2008/8 § 1 (part): Ord. 2006/16 § 5)

Chapter 8.76 YARD WASTE COLLECTION AND DISPOSAL PROGRAM

Sections:

8.76.010 Purpose.

This chapter establishes a yard waste collection and disposal program in Freehold Borough, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(Ord. 2006/17 § 1)

8.76.020 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated in this section 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.

"Containerized" means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.

"Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

"Street" means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

"Yard waste" means leaves and grass clippings.

(Ord. 2006/17 § 2)

8.76.030 Yard waste collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, and shall not be placed closer than ten (10) feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this chapter. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or such party shall be deemed in violation of this chapter.

(Ord. 2006/17 § 3)

8.76.040 Enforcement.

The provisions of this chapter shall be enforced by the police department and/or code enforcement office of the borough of Freehold.

(Ord. 2006/17 § 4)

8.76.050 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed five hundred dollars (\$500.00).

(Ord. 2006/17 § 5)

Chapter 8.78 PRIVATE STORM DRAIN INLET RETROFITTING

Sections:

8.78.010 Purpose.

A chapter requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, resurfacing or alteration of facilities on property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Freehold so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(Ord. No. 2011/8, § I, 7-18-11)

8.78.020 Definitions.

For the purpose of this chapter, 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.

"Municipal separate storm sewer system (MS4)" shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels,

or storm drains) that is owned or operated by Freehold Borough or other public body, and is designed and used for collecting and conveying stormwater.

"Person" shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

"Storm drain inlet" shall mean an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

"Stormwater" shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

"Waters of the State" shall mean the ocean and its estuaries, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the state of New Jersey or subject to its jurisdiction.

(Ord. No. 2011/8, § II, 7-18-11)

8.78.030 Prohibited conduct.

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section 8.78.040 below prior to the completion of the project.

(Ord. No. 2011/8, § III, 7-18-11)

8.78.040 Design standard.

Storm drain inlets identified in Section 8.78.030 above shall comply with the following standard to control passage of solids and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard, see Subsection 8.78.040C. below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 2. A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is not greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges),

driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and stormwater basin floors.

- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.
- C. This standard does not apply:
 - 1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - 2. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.
 - 3. Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or
 - 4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c) that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(Ord. No. 2011/8, § IV, 7-18-11)

8.78.050 Enforcement.

This chapter shall be enforced by the Police Department and/or the Code Enforcement Office of the Borough of Freehold.

(Ord. No. 2011/8, § V, 7-18-11)