

*Borough of Stone Harbor, NJ
Tuesday, December 3, 2019*

Chapter 156. Beaches

Article III. Beach and Dune Protection

[Adopted as Sec. 12-7 of the 1982 Revised General Ordinances]

§ 156-20. Preamble.

The beach berm and dunes offer the first line of defense against the sea during a storm. Dune areas are vulnerable to erosion and damage by wind, water, indiscriminate trespass, construction, acts which damage their protective vegetation, and the absence of good husbandry. Therefore, the Borough has a vital interest in establishing and maintaining a protection program for the beach and dune areas.

§ 156-21. Policy.

- A. It is the policy of this Borough to encourage the development of sand dunes, and to take whatever steps are required to maintain and protect these dunes. The specifics for such steps are set forth in Executive Policy 98-B-001, as amended from time to time.
- B. All the provisions of this article are deemed necessary, material and substantial, and are therefore not subject to waiver or variance.

§ 156-22. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BEACH AREA

The area between the mean low-water line of the ocean and the seaward edge of the dune as hereinafter defined.

DUNE AREA

The area between the seaward edge of the dune and the landward edge of the dune.

DUNE VEGETATION

All plant species found on beaches and dunes of northeastern US, either native or introduced, which can build and stabilize sand dunes.

LANDWARD EDGE OF THE DUNE

The intersection line of the backslope of the dune and the sea wall.

MEAN HIGH WATER (MHW)

A tidal datum that is the arithmetic mean of the high-water heights observed over a specific nineteen-year Metonic Cycle (the National Tidal Datum Epoch). For the New Jersey coast, the two high waters of each tidal day are included in the mean. This datum is available from the DEP, Bureau of Tidelands Management.

MEAN HIGH-WATER LINE (MHWL)

The intersection of the land with the water surface at elevation of mean high water. The elevation of mean high water varies along the oceanfront and the tidal bays and streams in the coastal zone. (Note: For practical purposes, the mean high-water line is often referred to as the "ordinary" high-water line, which is typically identified as the limit of wet sand or debris line on a beach, or by a stain line on a bulkhead or piling.)

MEAN LOW WATER (MLW)

A tidal datum that is the arithmetic mean of the low water heights observed over a specific nineteen-year Metonic Cycle (the National Tidal Datum Epoch). For the New Jersey coast, the two low waters of each tidal day are included in the mean. This datum is available from the DEP, Bureau of Tidelands Management.

MEAN LOW-WATER LINE (MLWL)

The intersection of the land with the water surface at the elevation of mean low water. The elevation of mean low water varies along the oceanfront and the tidal bays and streams in the coastal zone.

MECHANICAL RELOCATION

Broadly defined to include the transport of sand by any mechanical means to or into the dune area, as well as the placement of sand obtained from off-site locations.

PATHWAY

An improved, protective accessway across the dune.

SAND FENCE

A wind-barricade-type of fence established in a line or a pattern to accumulate sand and aid in the formation of a dune, such as a picket-type consisting of light wooden slats held together by wire and affixed to wooden posts.

SEAWARD EDGE OF THE DUNE

The intersection line of the foreslope of the dune and the gradient of the beach area, or vegetation line, or the upper driftline, whichever is most easterly.

UPPER DRIFTLINE

The line produced by the winter spring tides (highest tides of the year) which contains oceanic debris (flotsam such as seaweed, etc.) and the seeds, rhizomes, or detached plants which can germinate and/or grow to produce a zone of new dune vegetation.

VEGETATION LINE

The line connecting the most seaward naturally occurring perennial plants with other such plants.

WALKWAY

A constructed means of crossing the dune area and usually consists of steps, ramps and elevated wooden walkways.

§ 156-23. Regulations; unlawful activities.

Except with the expressed approval of the Mayor and Council of the Borough of Stone Harbor, or in connection with the Borough's construction or placement of dune fencing, elevated walkways over the dunes, pathways and planting of dune vegetation, the following activities are unlawful:

- A. To construct or attempt to construct any structure within the dune area.
- B. To remove or cart away, by any means, any sand, sand fencing or dune vegetation from the dunes or from the area around the dunes.

- C. To willfully or intentionally relocate or damage any sand fencing or any other type of dune protection device, or to hang any objects thereon.
- D. To cut, burn or destroy any dune vegetation.
- E. For any person, either on foot or on some form of conveyance, to:
 - (1) Disturb or destroy dune vegetation;
 - (2) Trespass within any area enclosed by sand fencing, or enclosed by sand fencing and the bulkhead along the beaches;
 - (3) Enter into those areas of the Public Use District and the Conservation Management District south of 122nd Street in all locations where dunes, dune grasses, or other forms of vegetation planted for the development of dunes exist;
 - (4) Enter into any other areas as may from time to time be specifically posted by order of the governing body.
- F. To cross over the dunes by means other than using the pathways and elevated walkways constructed for that purpose.
- G. To use and/or operate motor vehicles on the beach other than in accordance with Article II, Vehicles on Beaches, of this chapter.
- H. To harvest beach sand or scrape beach sand or dunes without written approval by the Borough.

§ 156-24. Replenishment of sand and sand dunes.

- A. Dune replenishment activity shall take place during periods prescribed by specific regulations, except in the case of emergency circumstances which constitute an immediate threat to the public health, safety and welfare as declared by appropriate Borough officials.
- B. Replenished dunes shall be protected by planting appropriate vegetative cover in accordance with specifications set forth in Executive Policy 98-B-001.
- C. Replenished dunes shall be immediately protected by the erection of sand fences in accordance with specifications set forth in Executive Policy 98-B-001.
- D. In the event that the replenishment sand, or a portion thereof, is obtained from an off-site location, the added sand shall be of such grain size, shape, color and other characteristics as will be compatible with the existing on-site sand.

§ 156-25. Plans and records.

- A. The Borough shall maintain a current plan to define the specific location and dimensions for the planting of dune vegetation, the erection of sand fencing, or the placement of temporary walkway protection in compliance with the standards set forth in Executive Policy 98-B-001.
- B. The Borough shall conduct periodic inspections of beaches and prepare both written and photographic reports of findings in a format suitable for presentation as official evidence.
- C. The Borough shall initiate and maintain beach profiles and engineering activities as part of a monitoring program, and maintain appropriate records.

§ 156-26. Enforcement; violations and penalties.

- A. The Borough's Police Department shall enforce the various requirements defined and set forth in this article.
- B. All persons or associations of persons shall, upon conviction of a violation of this article, be subject to the penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code.

[Amended 3-7-2006 by Ord. No. 1251]

§ 156-27. Dune Maintenance Program; exceptions.

[Amended 12-15-2015 by Ord. No. 1469]

- A. The Borough of Stone Harbor has adopted a Dune Vegetation Management Plan, as approved by the New Jersey Department of Environmental Protection. The Dune Vegetation Management Plan includes a Dune Maintenance Program whereby interested private property owners can partner with the Borough to, among other things, help eliminate certain nonindigenous and/or invasive species of vegetation from dune areas. The Dune Maintenance Program requires the execution of a memorandum of understanding between private property owners and the Borough and a long-term commitment to dune maintenance. Property owners interested in participating in the Dune Maintenance Program should request a copy of the Dune Vegetation Management Plan, as may be amended from time to time, and related documents from the office of the Borough Clerk.
- B. Anything to the contrary herein notwithstanding, it shall be lawful for persons to traverse the area of the dunes upon duly designated pathways and walkways. It shall also be lawful for officials of the Borough of Stone Harbor, the State of New Jersey and the United States of America, their agents, representatives and contractors to traverse upon the dunes where necessary in connection with the erection of sand fencing, planting and fertilizing dune vegetation, erection of shore protection devices and other similar activities.

Borough of Stone Harbor, NJ
Tuesday, December 3, 2019

Chapter 400. Parks, Recreation Areas and Bird Sanctuary

Article IV. Bird Sanctuary

[Adopted 5-5-2009 by Ord. No. 1338^[1]]

[1] *Editor's Note: This ordinance also revised the title of Ch. 400 from "Parks and Recreation Areas" to "Parks, Recreation Areas and Bird Sanctuary."*

§ 400-7. Description and use of sanctuary.

The Borough property between 111th and 117th Streets and between 2nd and 3rd Avenues, referred to as Stone Harbor Bird Sanctuary or Bird Sanctuary, is approximately 21+ acres of wetlands and maritime forest dedicated to being a bird sanctuary.

§ 400-8. Sanctuary rules and regulations.

The following rules and regulations shall be applicable to the Bird Sanctuary and its parking lot:

- A. The Bird Sanctuary is open to people or entities from 1/2 hour before sunrise to 1/2 hour after sunset, but its parking lot for parking is unrestricted except parking is prohibited between the hours of 2:30 a.m. and 5:30 a.m.
- B. The following activities in the sanctuary are prohibited:
 - (1) No dogs or other pets are allowed in the sanctuary other than the parking lot.
 - (2) No feeding of any birds, fish, or other animals.
 - (3) No picnicking, littering, loitering, or alcohol.
 - (4) No playing any sports or activities involving throwing objects in the air.
 - (5) No loud or unnecessary sound which disturbs, injures or endangers the health, comfort, safety or welfare of the birds within the sanctuary. See § 374-4 for the standards for such loud and unnecessary sound.
 - (6) No bicycles, skateboards, roller skates, or running on any path within the sanctuary.
 - (7) No smoking on any path within the sanctuary and no discarding cigarette butts or other tobacco products, except in proper containers.
 - (8) No picking the flowers from, or entering any gardens, in the sanctuary other than by persons designated to weed and maintain those gardens.
 - (9) No leaving the designated boundaries of the path, other public walkways, or bench seating area next to the parking lot. Except for Borough employees, agents of the Borough, and the Bird Sanctuary Advisory Committee, no person, group, or entity is allowed to be off or outside

the paths or other public walkways within the sanctuary unless the Borough Administrator or Chairman of the Natural Resource Committee has given permission.

- C. By resolution of the Borough Council, the hours any path is open to the public may be limited or closed so as to permit maintenance, restoration and/or the well-being of the birds, such as during nesting, feeding, or the like.

§ 400-9. Violations of sanctuary rules and regulations.

Any person or association of persons convicted of a violation of the rules and regulations above shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code.

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Chapter 170. Boating

[HISTORY: Adopted by the Borough Council of the Borough of Stone Harbor as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Beach supervision — See Ch. 18.

Beaches — See Ch. 156.

Bulkhead and dock construction — See Ch. 199.

Parks and recreation areas — See Ch. 400.

Article I. Use of Dock and Ramp Facilities

[Adopted as Sec. 12-1 of the 1982 Revised General Ordinances]

§ 170-1. Designation of land to be used as ramps and related uses.

The Borough Council is hereby authorized to designate by resolution such places, areas, lots, land, property and facilities owned by the Borough to be used as ramps, docks, piers, slips, wharves, basins, harbors, harbor structures, docking facilities and other related uses.

§ 170-2. Adoption of rules and regulations.

The Borough Council is hereby authorized to adopt and promulgate, by resolution, such rules and regulations as may be considered necessary and essential to govern the use and manner of use of the facilities and property by those to whom permits may be granted from time to time.

§ 170-3. Control and management of facilities.

The Borough Council may also designate one or more of its members, or any standing or special committee of its members, to be in charge of and control the operation or management of such facilities in accordance with the provisions of law, and rules and regulations adopted pursuant hereto. Any employee or employees of the Borough assigned to any work or duties in connection therewith shall be subject to the control and direction of the Borough Council.

§ 170-4. Fees.

Reasonable and uniform fees may be and are hereby authorized to be charged for any and all permits issued to use any such facilities. The fees shall be established by resolution adopted by the Borough Council in the manner required by law. All fees collected for permits issued or for other lawful charges made shall be paid over forthwith by the collecting officer to the Borough Chief Financial Officer and shall be the property of and for the use of the Borough.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 170-5. Terms of permit; suspension or revocation.

Any permit granted for use of any such facility shall be subject to the terms, conditions, rules and regulations relating to such use and permission. The holder of any permit shall be governed by the terms, conditions, rules and regulations; and any holder shall not acquire any right or title, but shall hold a mere license or permission which is subject to revocation without notice in the event of a violation of any of the terms, conditions, rules or regulations. The member of the Borough Council, officer, employee, or other person in charge of and in authority and supervision over such facilities shall be and is hereby empowered to suspend the use of any such permit, and the Borough Council is empowered to revoke any such permit. No fee, charge or other sum paid for any such permit or permission shall be returnable in the event of revocation.

§ 170-6. General regulations.

- A. The payment of the fee or charge, together with the acceptance of the permit, shall thereby charge the holder with the knowledge and responsibility that the permit is issued and held subject to this article and all rules and regulations promulgated and adopted pursuant hereto.
- B. No person, except the holder of a permit and those who are invitees of any holder, shall trespass upon any property of the Borough or the property of any person which is lawfully situated at any facility or location. Suitable signs may be posted on any such property as notice hereof.
- C. The Borough shall not be responsible for any cause or matter whatsoever relating to the use of any such facilities by any person. All persons who use such facilities shall do so at their sole risk, both as to person and property.

Article II. Use of Waterways

[Adopted as Sec. 12-3 of the 1982 Revised General Ordinances]

§ 170-7. Enforcement.

The members of the Police Department and the Harbor Master, as the case may be, are hereby authorized and directed to enforce this article.

§ 170-8. Mufflers; speed limit.

- A. Exhaust. No boat propelled by engine power burning gasoline, naphtha, fuel oil, kerosene, or other fuel used in internal-combustion engines shall be operated upon waters within or bounding the Borough without having the exhaust of the engine or motor muffled. An exhaust entirely under water at all times while the boat is in motion will be considered as muffled. The provisions of this subsection shall not apply to any watercraft when in use during any official speed boat regatta sponsored under the jurisdiction and authority of the Borough Council, the Harbor Master or a duly recognized yacht club, provided the regatta is officially sanctioned by the American Power Boat Association.
- B. Speed limit. No boat propelled by engine power shall exceed a speed of five miles per hour or a speed which creates a substantial wake while entering, leaving or within any basin, lagoon or harbor within the Borough limits.

§ 170-9. Buoys.

- A. No permanent buoy shall be placed in the basins and tide waters within the Borough without first obtaining the written consent and approval of the Chief of Police. Permanent buoys shall not be placed in any location where they will interfere with boats leaving or going into slips, floats, piers or docks belonging to properties bordering on any basins or tide waters, and they shall not interfere with or make hazardous the general use of waters for navigation purposes.
- B. All buoys shall be painted and colored white, and shall have ample freeboard, to show above the still water, not less than 10 inches above and out of the still water, and the locations shall be fixed by the Chief of Police. All permanent buoys shall be either round, pyramidal or cone-shaped and shall not be located so as to block or render hazardous mouths or entrances to the basins and tidal waters in the Borough.

§ 170-10. Water contamination; dumping; permit required for living on boats.

In order to prevent disease and thereby protect the public health for those using the territorial waters of the Borough of Stone Harbor, the following rules and regulations concerning the use of such waters are hereby adopted:

- A. The dumping of garbage, food waste, offal or any other waste or sewage materials, treated or untreated, into any of these waters, is hereby prohibited.
- B. In order to assist in the enforcement of the provisions of Subsection **A** with respect to certain uses made of the waters, it is hereby declared that no person shall live upon, cook, or use toilet facilities on any boat docked or moored in these waters unless a permit in writing is first obtained from the Chief of Police. No permit shall be granted unless the Chief of Police is satisfied that complete and proper facilities have been provided and will be used in such a manner in order to prevent the possible contamination of these waters. No such permit or series of permits shall be issued for a period in excess of 48 consecutive hours. A maximum of one such permit per month shall be issued to any one permittee or for any particular boat. The definition of "boat" herein shall include but not be limited to a floating home as defined in § **170-12** hereof.

§ 170-11. Storage of boat trailers, floating docks and ramps at Borough marina; permit required; fee; violations and penalties.

- A. Boat trailers, without boats, floating docks and ramps may be stored on the raised and stone northeast corner of the Marina property located between 80th and 81st Streets as follows:
[Amended 9-4-2012 by Ord. No. 1409]
 - (1) Floating docks and ramps may be stored between November 15 and April 15, inclusive.
 - (2) Boat trailers, without boats, may be stored between April 15 and November 15.
- B. A storage permit must be obtained and fully paid for before a boat trailer, dock or ramp is taken to the public Marina for storage. Such permit shall set forth the name and address of the permittee, the date of issuance, and the license plate number with the state of issuance and the type and size of the trailer, dock or ramp to be stored, together with the name and address of the owner of same, which shall prominently be displayed during the storage upon the dock or ramp. The owner of a boat trailer shall cause to be displayed in a conspicuous manner upon the rear frame of the trailer a descriptive decal license issued by the Borough of Stone Harbor. The owner of the trailer, dock or ramp shall, prior to the issuance of the permit, sign the permit form, which will contain the following language: "I/We hereby agree to release and hold harmless the Borough of Stone Harbor, its agent, servants and employees, from any liability for loss or damage to the trailer, dock or ramp, which is the subject of this permit, while stored at the Borough Marina." The issuance of

the permit shall constitute such a release by the owner to the Borough, its agent, servants and employees.

- C. The fee for a storage permit shall be established from time to time by resolution of the governing body of the Borough of Stone Harbor. Storage of a dock or ramp after April 15 of the current calendar year, and/or the storage of a boat trailer after November 15 of the current calendar year, are strictly prohibited, and any violator shall pay a weekly additional storage charge as established from time to time by resolution of the governing body of the Borough of Stone Harbor for any week beyond the storage deadline or any part thereof, which additional storage fee shall be in addition to any penalties prescribed below. No trailer, dock or ramp shall be removed from storage, except by the Borough, until the storage charges, if any, have been fully paid, except for a trailer, dock or ramp owned by the Borough of Stone Harbor.
[Amended 10-3-2006 by Ord. No. 1269; 9-4-2012 by Ord. No. 1409]
- D. Docks and ramps of a single owner may be stacked, if possible and desired, and storage shall be done in such a fashion as not to block access to other stored docks or ramps. The Borough reserves the right to relocate all boat trailers, docks or ramps at the storage site, and at the Borough's expense. Any relocation of docks or ramps after April 15, and any relocation of boat trailers after November 15, shall be done at the expense of the owner, who shall pay the reasonable expenses of such relocation.
[Amended 9-4-2012 by Ord. No. 1409]
- E. Storage permits shall be issued only for docks and ramps which, immediately prior thereto, have been used upon property located within the Borough limits of the Borough of Stone Harbor.
- F. Any one convicted of a violation of this § 170-11 shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code.
[Amended 3-7-2006 by Ord. No. 1251]

§ 170-12. Floating homes prohibited.

- A. General prohibition. In order to preserve the waters within the territorial limits of the Borough of Stone Harbor for recreational use; and protect the people, docks, bulkheads, boats and other water-based facilities from damage caused by poorly maneuverable floating homes during storms and periods of high tide; and because Borough fire and police protection are not geared for water protection; and floating homes are not subject to the building codes, fire codes, zoning codes and other restrictions, all adopted for the preservation of the health, safety and general welfare of the residents and visitors of this Borough, floating homes shall not be permitted to be anchored or moored within the territorial waters of the Borough of Stone Harbor.

- B. Floating homes defined.

FLOATING HOME

Includes what is commonly known as a "house boat" having no contained means of locomotion, and also includes a house boat designed primarily as a residence or dwelling, rather than for sailing, boating or fishing purposes.

§ 170-13. Personal watercraft regulations (jet skis and others).

- A. "Personal watercraft" is defined in the New Jersey Administrative Code Title 7, Chapter 6.
- B. The regulations contained in Title 7, Chapter 6 of the New Jersey Administrative Code concerning boating regulations for personal watercraft are hereby made applicable, not only to the waters of the Atlantic Ocean but also to the back bay waters of the Borough, including all lagoons, basins, and waterways.

- C. The operator of a personal watercraft equipped with a lanyard cutoff switch shall wear the safety switch lanyard at all times when the personal watercraft is in operation upon any of the waters located within the Borough limits of the Borough of Stone Harbor.

Article III. Use of Sail Craft

[Adopted as Sec. 12-6 of the 1982 Revised General Ordinances]

§ 170-14. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SAIL CRAFT

Includes vessels or boards whose sole means of propulsion is by sail and are neither temporarily or permanently equipped with any other type of machinery for propulsion and not to exceed 20 feet in length.

§ 170-15. License required.

Except as hereinafter provided, it shall be unlawful to bring, permit to be brought, or use any sail craft upon any public beach adjacent to the Atlantic Ocean or in the surf in the Borough of Stone Harbor before obtaining a license from said Borough.

§ 170-16. Issuance of licenses; limitations; renewal; nontransferable.

The Clerk of the Borough of Stone Harbor shall be authorized to issue sail craft licenses as follows: 80 seasonal licenses, to run from April 1 through October 31, inclusive. Application renewals of previous license holders must be received no later than January 15th of the year of issue or they will be considered new applications. All applications, other than renewal applications, will be accepted in order of appearance only by application made in person by the owner or his authorized agent after January 15th of the year of issue. Sail craft licenses shall be nontransferable.

§ 170-17. License fee.

[Amended 3-7-2006 by Ord. No. 1251]

The annual fee for a sail craft license shall be established from time to time by resolution adopted by the Borough Council and shall be valid during the season. The season runs from April 1 through October 31 of each year. Payment in full shall accompany the application for the license.

§ 170-18. Displaying of license.

Every owner or operator of any permitted sail craft shall cause to be displayed in a conspicuous manner upon the outward side of the starboard hull at the stern the official descriptive decal license issued by the Borough of Stone Harbor permitting the use of said vessel upon the beach or surf. Failure of any operator or owner to so display said license on request or inspection shall constitute a violation of this article.

§ 170-19. Waiver and indemnification.

The applicant for a license shall sign a waiver and indemnification form when making application for a license, which shall indemnify and hold harmless the Borough of Stone Harbor with respect to any damages or liability claims or claims of any type or description arising from the licensing or use of the vessel or boat for which the license is issued and also waives any claims against and releases the Borough of Stone Harbor from any damage incurred by or to the vessel or boat.

§ 170-20. Storage and use rules and regulations.

The following rules and regulations shall apply to the use and storage of all sail craft:

- A. Sail craft shall enter and exit the beach area at 122nd Street at the ramp on the south side of the 122nd Street groin.
- B. Sail craft shall be launched and beached only in the area between the 122nd Street groin and the 127th Street groin, and then only from a point 150 feet southwest of the center line of 122nd Street if extended.
- C. Sail craft may be stored on the beaches of the Borough of Stone Harbor, but only southwest of a point located 150 feet southwest of the center line of 122nd Street, if extended. Such sail craft shall be stored at the risk of the person, persons or association of persons so storing said sail craft.
- D. Sail craft on the beach shall not encroach upon any dunes or dune grass, and when entering or exiting the beach area shall not encroach on any private property.
- E. Halyards on all sail craft not in use shall be tightly secured.
- F. Sail craft shall not operate in the areas of protected beaches and shall not interfere with swimmers using such bathing beaches.
- G. Sail craft shall only be stored on the beaches between April 1 and October 31, inclusive.

§ 170-21. Impounding of sail craft; storage charge.

Any sail craft which does not have the required license or is illegally beached or stored shall be declared a nuisance, and any police officer of the Borough of Stone Harbor may remove said sail craft or cause it to be removed and impounded. The owner shall pay all expenses incurred in removing or impounding the sail craft, including storage charges. Removal or impounding and storage charges shall be in addition to any penalty imposed for violation of this article and any amendments thereto. The storage charge shall be \$5 for each and every day, or part thereof, that such vessel is impounded.

§ 170-22. Exceptions to license requirements.

- A. Unlicensed sail craft shall be permitted to participate in regattas only with prior approval by the Borough Council.
- B. Sail craft may be brought to the beach and used therefrom from Monday through Friday, inclusive, Memorial Day, Fourth of July and Labor Day excluded, but only between the hours of 8:00 a.m. and 5:00 p.m. prevailing time. No sail craft without a permit shall be permitted on the beach between the hours of 5:00 p.m. and 8:00 a.m. on those days.

§ 170-23. Storage of sail craft.

Each licensee shall be permitted to store his or her sail craft upon the beach at a prenumbered post which shall be installed upon the beach for the storage position of such sail craft in this Borough.

§ 170-24. Violations and penalties; revocation of license.

Anyone convicted of a violation of this article shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code; and, in addition thereto, the Municipal Court shall have the power and authority to revoke the license of the violator. Each day a violation continues shall constitute a separate offense.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

*Borough of Stone Harbor, NJ
Tuesday, December 3, 2019*

Chapter 468. Storm Sewer System

[HISTORY: Adopted by the Borough Council of the Borough of Stone Harbor as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage protection — See Ch. **300**.

Solid waste; recycling; dumping — See Ch. **466**.

Stormwater management — See Ch. **470**.

Water and sewers — See Ch. **542**.

Article I. Covering of Refuse Containers and Dumpsters

[Adopted 6-1-2010 by Ord. No. 1359]

§ 468-1. Purpose.

This article requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharging of liquids, semiliquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Stone Harbor and/or the waters of the state so as to protect public health, safety and welfare and prescribes penalties for the failure to comply.

§ 468-2. Definitions; word usage.

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by the Borough of Stone Harbor or other public body and designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

REFUSE CONTAINER

Any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER

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

The ocean and its estuaries and all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 468-3. Prohibited conduct.

- A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Stone Harbor.

§ 468-4. Exceptions.

Exceptions are as follows:

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 468-5. Enforcement.

This article shall be enforced by the Borough of Stone Harbor.

§ 468-6. Violations and penalties.

Any person(s) found to be in violation of the provisions of this article shall be subject to a fine of up to \$500 per offense.

Article II. Retrofitting of Storm Drains

[Adopted 6-1-2010 by Ord. No. 1360]

§ 468-7. Purpose.

This article requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private 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 Stone Harbor so as to protect public health, safety and welfare and prescribes penalties for the failure to comply.

§ 468-8. Definitions; word usage.

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by the Borough of Stone Harbor or other public body and designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORM DRAIN INLET

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.

WATERS OF THE STATE

The ocean and its estuaries and all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 468-9. 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 of 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 § 468-10 below prior to the completion of the project.

§ 468-10. Design standard; exceptions.

Storm drain inlets identified in § 468-9 above shall comply with the following standard to control passage of solid 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 § 468-10C below.

A. Grates.

- (1) 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:
 - (a) 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
 - (b) 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 0.5 inch across the smallest dimension.
- (2) 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 4 5/8 inches long and 1 1/2 inches wide (This option does not apply for outfall netting facilities.); or
 - (b) A bar screen having a bar spacing of 0.5 inch.
- (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 on or will damage or destroy the historic property listed on the New Jersey Register.

§ 468-11. Enforcement.

This article shall be enforced by the Borough of Stone Harbor.

§ 468-12. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine of up to \$500 per offense for each storm drain inlet that is not retrofitted to meet the design standard.

*Borough of Stone Harbor, NJ
Tuesday, December 3, 2019*

Chapter 547. Water Emergency

[HISTORY: Adopted by the Borough Council of the Borough of Stone Harbor as Sec. 14-24 of the 1982 Revised General Ordinances. Amendments noted where applicable.]

§ 547-1. Declaration of water emergency.

Whenever the governing body shall find that a water emergency exists in the Borough, it may adopt a resolution declaring that a water emergency exists in the Borough. Such resolution shall be adopted by the governing body at any regular, special, adjourned or emergency public meeting of the governing body. Such resolution shall identify that portion of the municipality affected by the water emergency, which may include the entire municipality and shall specify which of the water use regulations contained in § 547-2 of this chapter is being imposed as well as any exemptions as may be authorized. Such resolution shall be effective immediately upon publication according to law and shall continue in effect for 90 days, unless extended or repealed as set forth in § 547-3 of this chapter. For the purpose of this section, a water emergency shall exist if, for any of the following reasons:

- A. The public utility providing water service to all or a portion of the municipality has adopted water use restrictions, has notified the municipality, the New Jersey Board of Public Utilities, and the New Jersey Department of Environmental Protection, as well as any other state, county or local agency entitled to notice of such restrictions and such restrictions are not overruled or declared invalid by any state, county or local agency having the jurisdiction and power to do so; or
- B. The governing authority is otherwise satisfied that a water emergency exists in the municipality.

§ 547-2. Water use restrictions.

Upon adoption by the governing body of a resolution declaring that a water emergency exists in the municipality in accordance with § 547-1 of this chapter, all citizens shall be urged to observe voluntary indoor conservation measures, and any of the following water use restrictions shall be imposed and shall be applicable to all residents and tenants, except where a bona fide health emergency exists and to exempt businesses, as specified herein during the water emergency:

- A. The complete ban and prohibition of outside water usage, including but not limited to the watering of lawns and plants, the filling of pools and the washing of cars; or
- B. Outside water usage on alternate days allowing outside water usage by persons or businesses having even house or box numbers on even days and those having odd house or box numbers on odd days with outside water usage being completely banned and prohibited on the 31st day of any month during the water emergency; or
- C. Any other water use restriction specified by the governing body in the resolution required by § 547-1 of this chapter which is reasonable under the circumstances considering the nature and extent of the water emergency. Any water restriction imposed pursuant to this section shall be limited in application to that portion of the municipality, which may include the entire municipality, identified as being affected by the water emergency in the resolution of the governing body adopted in accordance with § 547-1 of this chapter.

§ 547-3. Duration of water use restrictions.

The resolution of the governing body required by § 547-1 of this chapter shall, in addition to complying with said section, provide a period of time during which the water use restrictions imposed shall be applicable and which shall be no longer than reasonably necessary to abate the water emergency under the circumstances considering the nature and extent of the water emergency. At the expiration of the time period specified in the resolution, the water use restrictions shall lapse and be inapplicable and unenforceable. If the governing body shall be satisfied that the water emergency has been abated prior to the expiration of the time period specified in the resolution, it shall adopt a resolution declaring the water emergency ended and the water use restrictions inapplicable. If, at the expiration of the time period specified in the resolution, the governing body shall be satisfied that the water emergency continues to exist, it may adopt a resolution in accordance with the requirements of this chapter continuing the water use restrictions.

§ 547-4. Enforcement of water use restrictions.

The water use restrictions imposed pursuant to this chapter shall be enforced during a water emergency by the local authorized official. Whenever the local authorized official shall find a violation of the water use restrictions, such authorized official shall give the violator a written warning, which written warning shall constitute the first offense, and explain the penalties for a second and third offense as provided by § 547-5 of this chapter. The local authorized official shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The local authorized official is hereby empowered to write summonses for the violation of the water use restrictions imposed pursuant to this chapter.

§ 547-5. Violations and penalties.

[Amended 3-15-2005 by Ord. No. 1226^[1]]

- A. After a first offense in accordance with § 547-4 of this chapter, any person or business who thereafter is convicted of a second or subsequent violation of the water use restrictions imposed pursuant to this chapter shall be subject to the penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code.
- B. Any person or organization of persons shall, upon conviction of any other provision of this chapter, be subject to the penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code, together with restitution in the form of the cost of replacement or repair of any damaged Borough equipment.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*