

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2017-09**

**AN ORDINANCE ADDING CHAPTER 16.6 TO THE TOWNSHIP CODE
OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF
NEW JERSEY, RELATING TO MANURE MANAGEMENT AND
STORAGE**

WHEREAS, the Mayor and Township Council of the Township of Fairfield has determined that an Ordinance is necessary to for managing and storing manure within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. Section 16-6, entitled “Manure Management and Storage,” shall be added to the Township Code of the Township of Fairfield as follows:

§ 16-6 MANURE MANAGEMENT AND STORAGE.

§ 16-6.1 Purpose and scope.

- a. The purpose and scope of this code are as follows:
 1. To require storage of manure at least 100 linear feet from surface waters of the State;
 2. Minimizing odors from manure storage and application areas;
 3. Controlling vectors and fomites; and
 4. Optimizing the beneficial use of nutrients from manure and bedding materials.
- b. These rules only apply to farms receiving or applying animal waste. These rules do not apply to facilities regulated by the New Jersey Department of Environmental Protection under N.J.A.C. 7:26 (solid waste management rules, 7:26A (solid waste recycling rules), and 7:14A (CAFO General Permit #NJ0138631).
- b. Nothing in this chapter shall be construed to alter or compromise the goals, purposes, and provisions of, or lessen the protections afforded to farmers by, the right to Farm Act, P.L. 1983, c. 31(N.J.S.A. 4:1C—1 et seq.), and any rules adopted pursuant thereto.

§ 16-6.1 Definitions.

For the purpose of this section, 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;

Introduced 04/10/2017

Adopted

and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

“Animal waste” means livestock manure, unconsumed feed and associated bedding materials and animal carcasses from normal mortalities of livestock on a farm. For the purpose of these rules, animal waste shall be free of plastic, metal, glass or other non-biodegradable materials, with the exception of *de minimis* quantities which result from agricultural activities.

“Composting” means the aerobic, biological decomposition of organic matter, including manure, leaves, bedding and crop residues. It is a natural process that can be enhanced and accelerated by selecting organic waste “recipes,” as set forth in the NJ-FOTG, with proper carbon/nitrogen balance; mixing to provide proper aeration; and monitoring to assure that ideal moisture levels and temperatures are maintained. These extra steps provide optimal conditions for the microbes that transform “raw,” on-farm wastes into a relatively stable soil amendment/crop nutrient.

“Fomite” means inanimate objects that serve to carry infections or toxins from one animal to another.

“Vector” means a living organism that serves to carry infections or toxins from one animal to another.

§ 16-6.3 General requirements.

Each farm shall have a plan for managing manure that includes collection, storage, spreading, and disposal that provides for the following requirements:

- a. To reduce the amount of manure runoff, stockpiled manure and bedding shall be covered.
- b. Manure storage areas shall be located at least 100 linear feet from surface waters of the State, measured perpendicular to the watercourse from the top of bank outwards. Manure storage areas shall be designed to eliminate direct point source discharges to waters of the State except for storm water discharges to surface water that occurs above a 25-year, 24-hour storm event.
- c. Land application of animal waste shall be performed in accordance with the principles of the New Jersey Department of Agriculture (NJDA), Best Management Practices (BMP) Manual Part IV.

§ 16-6.4 General restrictions.

- a. Farms receiving animal waste shall not receive waste from May 15 through September 15.
- b. Stored manure shall be in a dry, level, impermeable location, free from storm-water runoff, and out of the floodplain.
- c. The storage structure shall have a cover or roof.
- d. Drainage from storage should be channeled into a vegetative buffer.

§ 16-6.5 Nuisances Defined and Prohibited.

- a. The existence or presence of any accumulation of garbage, refuse, manure, or animal or vegetable matter which may attract flies and to which flies may have access, or in which fly larvae or pupae breed or exist is prohibited.
- b. Depositing, accumulating, or maintaining any matter or thing such as garbage, refuse, manure, or animal or vegetable matter which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place is prohibited.

§ 16-6.6 Enforcement.

This section shall be enforced by the Health Department of the Township of Fairfield.

§ 16-6.7 Inspection of Premises.

- a. All places and premises in this municipality shall be subject to inspection by the Board of Health or the Enforcing Official if the Board or that Official has reason to believe that any Section of this Code is being violated.
- b. It shall be unlawful for any person to hinder, obstruct, delay, resist or prevent the Board of Health or the Enforcing Official from having full access to any place or premises upon which a violation is believed to exist.

§ 16-6.8 Violations and Penalties.

Fines for violations of this chapter are as follows:

- a. Not less than \$150.00 for a first offense;
- b. Not less than \$250.00 for a second offense; and
- c. Not less than \$500.000 for each subsequent offense.

§ 16-6.9 Severability.

Each subsection, sentence, clause and phrase of this section is declared to be an independent subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.

§ 16-6.10 Effective Date.

This section shall be in full force and effect from and after its adoption and publication as may be required by law.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Introduced 04/10/2017
Adopted

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

JAMES W. GASPARINI
Mayor

ATTEST:

DENISE D. CAFONE
Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on April 10, 2017, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on May 8, 2017 at 7:30 p.m. at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

DENISE D. CAFONE
Municipal Clerk

Introduced 04/10/2017
Adopted

INTRODUCTION OF ORDINANCE – APRIL 10, 2017: ORDINANCE #2017-09, AN ORDINANCE ADDING CHAPTER 16.6 TO THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY, RELATING TO MANURE MANAGEMENT AND STORAGE

INTRODUCED BY: Council President McGlynn
SECONDED BY: Councilman Cifelli
PUBLISHED: xx/xx/2017

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING – MAY 8, 2017:

INTRODUCED BY:
SECONDED BY:
PUBLISHED:

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN					
COUNCILMAN THOMAS J. MORGAN					
COUNCILMAN JOSEPH CIFELLI					
COUNCILMAN JOHN LAFORGIA					
MAYOR JAMES GASPARINI					