Ord. # 16-2016-

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND THE TOWNSHIP CODE CHAPTER 224. "HAZARDOUS MATERIALS"

WHEREAS, Chapter 224 of the Mount Olive Township Code addresses recovery of expenses associated with hazardous material spills and the storage of hazardous materials within the Township limits; and

WHEREAS, the presence of hazardous materials in the Township causes concerns relating to their impact on the health and safety of the surrounding businesses and residences; and

WHEREAS, the Township Council believes it is in the best interest to amend the Township Code to clarify violation enforcement authorities; to amend the restrictions; to more properly address the storage of hazardous materials and to require any entity or person storing such materials within the Township to provide assistance, training and reimbursement for remediation efforts.

BE IT ORDAINED by the Township Council of the Township of Mount Olive, in the County of Morris, State of New Jersey that the Township Code is amended as follows:

SECTION 1. Section 224-6 of the Code shall be amended to add:

The enforcement authority shall lie with the Township Health Officer, the Township Code Enforcement Official or the Township Administrator.

SECTION 2. A new sub-section shall be added entitled Reimbursement to Township of Mount Olive, which shall include sub-sections 224-10 through 224-11 as follows:

§224-10 Reimbursement to Township of Mount Olive

.Reimbursement shall be made to Township of Mount Olive for Preventative Costs Incurred by the Township and/or Its First Responders for the Protection of the Health and Safety of Mount Olive Township Residents as follows:

Any person, owner or company storing hazardous materials or explosives as defined in this Chapter within the Township of Mount Olive shall be responsible for the provision of, or reimbursement of, any expenses incurred by the Township and/or its first responders under the following circumstances:

1. When the storage of such hazardous materials require, in the opinion of Mount Olive Township's Office of Emergency Management Coordinator, additional safety equipment and/or enhancements in order to provide for appropriate response to incidents that may occur with respect to hazardous materials or explosives being stored within the Township of Mount Olive. Such additional safety equipment and/or enhancements, include, but are not limited to:

   A. Evacuation plans;

   B. Review of security plans;

   C. Preventative safety measures such as sensors;

   D. Special emergency responder equipment for the particular hazard material and/or explosive based on the location and extent of same;

   E. Enhanced training for any and all first responders, including volunteers; and

   F. Any other costs incurred as the result of the presence of such hazard materials and/or explosives within the Township.

224-11 Violation

It is unlawful and constitutes a misdemeanor for any person to violate the provisions of this section. Every person convicted of a misdemeanor for violation of any of the provisions of this chapter shall be punished by a fine of not more than $500.00 or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Any person arrested for violation of this chapter may be cited to appear in court by written notice prepared in the manner provided for in the New Jersey Code of Criminal Justice.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF MOUNT OLIVE

_____
Joe Nicastro, Mount Olive Council President

ATTEST:

_____
Michelle Masser, Township Clerk