

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE
OF NEW JERSEY, REGULATING USE OF FERTILIZERS IN THE BOROUGH**

WHEREAS, the Borough of Mount Arlington has determined that surface water quality, particularly the lakes and parks within the Borough, are being affected by phosphorous lawn fertilizers as a result of these fertilizers entering the lakes from storm water runoff, and deems it necessary and in the public interest to promulgate regulations that will aid the Borough in maintaining and improving surface water and lake resources and to protect public health by regulating the application of fertilizers.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris and State of New Jersey as follows:

SECTION 1. Purpose. It has been determined that the use of fertilizers containing phosphorous and their eventual presence in storm water runoff constitutes a threat to the quality of surface water within the Borough, which is inimical to the general welfare. It is the purpose of this section to decrease the use in the Borough of fertilizers containing phosphorous.

SECTION 2. Prohibited Conduct.

- a. No person, firm or corporation shall apply fertilizer to lawns within the Borough of Mount Arlington that contains more than 0.5% phosphorous
- b. Lawn fertilizer application shall not be applied when the ground is frozen.
- c. No person shall deposit leaves or other vegetative materials on roads or within or near any lake or storm water drainage system.
- d. Applications of fertilizer of any kind shall not be made within 10 feet of any wetland or body of water.
- e. Exemptions: Newly established turf areas shall not be limited by this ordinance for the first growing season.

f. Penalties for Violation. Any person violating any of the provisions of this section shall, upon conviction thereof, be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment for up to ninety (90) days or a period of community service for not more than ninety (90) days, or any combination thereof.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 4. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 5. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on _____ and will be further considered after a Public Hearing held on _____ at the Municipal Building at 7:00 p.m.

INTRODUCED:

ADOPTED:

ATTEST:

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

Linda DeSantis, Borough Clerk

Arthur Ondish, Mayor
Borough of Mount Arlington