

NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 11th day of July, 2012. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on 1st day of August, 2012, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, Clerk

ORDINANCE 2012-12

**AN ORDINANCE AMENDING THE CODE
OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY BY AUTHORIZING
TOWNSHIP AND VOLUNTEER EMERGENCY SERVICES TO CLEAN UP OR ABATE DISCHARGES
OF HAZARDOUS SUBSTANCES AND TO OBTAIN REIMBURSEMENT FOR TIME AND MATERIALS
EXPENDED IN CLEANING UP OR ABATING ANY SUCH DISCHARGES**

Be it Ordained by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the Code of the Township of Union is hereby amended to add the following provisions:

Section I. Clean Up Or Abatement of Hazardous Discharges

A. Definitions. In this section, the following words and phrases shall have the following meanings:

“Clean up and removal costs” shall mean all costs incurred by the Township or a volunteer services company in (1) the removal or attempted removal of any hazardous substance; or (2) the taking of reasonable measures to prevent or mitigate damage to public health, safety, or welfare, including but not limited to public and private property, surface waters, sub-surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.

“Costs” shall mean all costs incurred by the Township or a volunteer emergency services company, including but not limited to the following: actual labor costs of personnel, including workers’ compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials. A costs fee schedule shall be established by resolution of the Township Committee and amended from time to time.

“Discharge” shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any hazardous substance into the water, onto the land or into the air.

“Hazardous substance” shall mean any elements and compounds, including petroleum products, which are defined as such by the Department of Environmental Protection of the State of New Jersey or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by Congress or the Environmental Protection Agency. This definition shall also include substances that the Emergency Management Coordinator has reason to believe may be hazardous substances.

“Level One First Responder Awareness”

That training level achieved for those personnel who will initiate an emergency response by notifying the proper authorities, but take no further action, as more particularly set forth in the U.S. Code of Federal Regulations at 29 CFR 1910.120, as enforced by OSHA and/or PEOSHA.

“Level One First Responder Operational”

That training level achieved for those personnel who respond on site to hazardous materials releases, or potential releases, and includes the ability to take necessary defensive actions to protect people, property and the environment from the effects of such a release, as more particularly set forth in the U.S. Code of Federal Regulations at 29 CFR 1910.120, etc., as enforced by OSHA and/or PEOSHA.

“Materials” shall mean all materials, including but not limited to fire fighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment such as acid suits, acid gloves, goggles and protective clothing.

“Person” shall mean any public or private corporation, company, association, society, firm, partnership, joint stock company, individual, or other entity.

"Petroleum product" shall mean oil or petroleum of any kind and in any form, including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substitutes or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

B. Township and emergency services companies may undertake clean up. The Township and volunteer emergency services companies in the Township are hereby authorized to clean up and remove any discharge of hazardous substance (but not to exceed level one first responder awareness and first responder operational) which occurs within the Township, or outside the boundaries of the Township when authorized by agreement between the Township and any other governing body.

C. Person causing discharge liable for costs. Any person who causes, by act or omission, or is otherwise responsible for, a discharge of any hazardous substance which is cleaned up or abated by the Township or a volunteer emergency services company, including the owner of real or personal property from which a discharge of hazardous substances occurs, shall be liable for the payment of all costs incurred by the Township and the volunteer emergency services company as a result of such clean up or abatement. The remedy provided by this section shall be in addition to any other remedies provided by law.

D. Parties responsible for reimbursement to Township. Reimbursement to the Township, voluntary hazardous material response teams and others as hereinbefore indicated shall be made by:

- 1) The owner or operator of the vehicle responsible for the hazardous material, fire, leak or spill of hazardous material;
- 2) The owner or person responsible for the vessel containing the hazardous material involved in such fire, leak or spill on public or private property, whether stationary or in transit, and whether accidental or through negligence;
- 3) The owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence; and
- 4) The person responsible for the hazardous material fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence.

E. Reimbursement for services of recovery company, towing company or technical assistance. Any person and/or entity causing any hazardous material, fire, leak, spill or release involving a hazardous material and substance shall be responsible for all costs for services rendered by any recovery company, towing company or any other technical assistance called for by the Township by a volunteer emergency service company to handle such incident.

F. Time limit for payment of reimbursement. Any person and/or entity responsible for any fire, leak or spill of hazardous materials shall reimburse the Township the full price of expendable items and costs used to extinguish such fire, or to stop or contain such leak, or to control such spill and for all costs and expenses set forth in this chapter within 45 days after receipt of a statement from the Township outlining said costs and expenses.

G. Violations and penalties. Any person, corporation, entity and/or other violating any provisions of this chapter and responsible for any fire, leak or spill of hazardous materials or substances within the Township who fails to reimburse the Township and others as provided herein within the time required shall be liable and subject to a penalty and/or fine for each violation and each offense in accordance with § 1.5.

Section II. Severability. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Section III. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

Section IV. Effective Date. This ordinance shall take effect immediately upon final passage and publication according to law.

Attest:

Ella M. Ruta, Clerk

William F. Bischoff, Mayor

First Reading: July 11, 2012

Publication: July 19, 2012

Second Reading: August 1, 2012

Published by Title: August 9, 2012

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 1st day of August, 2012. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 5th day of September, 2012 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, RMC
Municipal Clerk

ORDINANCE NO. 2012-13

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UNION,
HUNTERDON COUNTY, NEW JERSEY REGARDING GAMES OF CHANCE**

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the Revised General Ordinances of the Township of Union is hereby amended to add the following:

Section 1. Bingo and Raffles.

A. Statutory authority.

As provided for by *N.J.S.A. 5:8-24*, et seq., and *N.J.S.A. 5:8-50* et seq., qualifying organizations may conduct games of chance known as bingo and raffles within the Township of Union.

B. License required.

No qualifying organization shall conduct a bingo or raffle without first having applied for and received a license pursuant to state law.

C. Issuing authority.

In accordance with NJAC 13:47-1, the issuing authority for the Township of Union responsible for approving bingo and raffle licenses shall be the Municipal Clerk. The Municipal Clerk shall provide a monthly report to the Township Committee of all bingo and raffle licenses issued in Union Township.

D. Application.

The issuing authority shall approve or deny all applications for bingo or raffle license with due expedition after the filing of the application. Applications must be filed with the Municipal Clerk, together with required fees pursuant to law. The applicant shall demonstrate in writing compliance with the provisions of all applicable laws and regulations.

E. Days of operation.

A bingo or raffle license may be issued for any day of the year without limitation as provided by *N.J.S.A. 5:8-31* and *N.J.S.A. 5:8-58*.

F. Violations and penalties.

Any person violating the provisions hereof shall be subject to a fine of not less than \$100 and incarceration in the county jail for a term not to exceed six months.

G. Suspension or revocation of license.

The governing body, pursuant to *N.J.S.A. 5:8-30* and *N.J.S.A. 5:8-57*, may suspend and revoke any issued bingo or raffle license, after a hearing, for any violation of this Chapter or state law. The governing body may suspend the operation of a bingo or raffle pending hearing, in which case a hearing must be held within five (5) days after such action. Notice of a hearing shall be served personally upon an officer of ht licensee or the member in charge of the conduct of the bingo or raffle or sent by registered mail or certified mail to the licensee at the address shown on the license. All decisions and finding by the governing body regarding the suspension or revocation of a bingo or raffle license shall be in writing.

Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:

Ella M. Ruta, RMC
Municipal Clerk

William F. Bischoff, Mayor

First Reading: August 1, 2012
Publication: August 9, 2012
Second Reading: September 5, 2012
Published by Title: September 13, 2012