

**BOROUGH OF BLOOMSBURY  
COUNTY OF HUNTERDON**

**ORDINANCE NO. 107-06**

**AN ORDINANCE ESTABLISHING RESPONSIBILITY UPON  
COMMERCIAL PROPERTY OWNERS TO ADDRESS  
HAZARDOUS SPILLS OCCURRING ON THEIR PROPERTY**

Statement of Purpose:

The intent of this ordinance is to require a resident business to bear the cost of cleanup and disposal of a hazardous material spill occurring on its property thereby alleviating the Borough from the cost and responsibility for same.

**BE IT ORDAINED** by the Mayor and Council of the Borough of Bloomsbury in the County of Hunterdon and the State of New Jersey as follows:

**Section 1: Definitions:**

“Hazardous material” shall mean a substance or material of petroleum, petroleum products, pesticides, solvents and other hazardous substances as defined in N.J.A.C. 7:1E-1.7. Sewage and sewage sludge shall not be considered as hazardous substances.

“Cleanup and removal costs” mean all costs associated with cleanup and removal activities incurred by the State, the Borough of Bloomsbury or its agents or any person with written approval of the Department of Environmental Protection.

“Cleanup and removal activities” means actions to cleanup or remove or attempt to cleanup or remove a discharge of a hazardous substance or the source thereof, or to chemically neutralize the discharge, or measures to prevent or mitigate any damages to the public health, safety or welfare, including, but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other nature resources.

“Person” shall include direct or indirect beneficial ownership by the person asserted to have a controlling interest and any of such person’s affiliates of at least fifty (50%) percent of the voting stock or other equity interest in the person.

“Containment or containment activities” means actions to limit or prevent the spread of a leak or discharge.

“Discharge” means any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective federal or state permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the water adjacent to or onto the lands of the Borough or into waters outside the jurisdiction of the Borough when damage may result to the lands, waters or natural resources within the jurisdiction of the Borough.

“Person” means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, as well as individuals, and when used to designate the owner of property which may be subject to the provisions of this ordinance, any agents lawfully owning or possessing property.

“Person responsible for a discharge” means each owner or operator of any facility, vehicle or vessel from which a discharge has occurred; any person who owns or controls any hazardous substance which is discharged; any person who has directly or indirectly caused a discharge; any person who has allowed a discharge to occur, or any person who brokers, generates or transports the hazardous substance discharge.

**Section 2: Responsibility:**

- A. The owner of any commercial property within the Borough upon whose lands occurs a discharge of hazardous materials or hazardous substances as defined herein whether that discharge occurs during the transportation, handling or storage thereof shall be responsible for all costs involved in the containment, neutralization and cleanup of the site emanating from either the discharge or spillage of same.
- B. The owner shall attend to the cleanup of the site so affected which shall be under the auspices of both the Borough and State Offices of Emergency Management and the New Jersey Department of Environmental Protection.
- C. The owner's responsibility to cleanup and remediate the site shall further extend to any and all measures required and costs associated with the cleanup and remediation of any adjoining properties or adjoining waters upon which a discharge or spillage of hazardous substances occurs.
- D. The owner shall promptly respond to any directive from either the Borough or State Offices of Emergency Management or the New Jersey Department of Environmental Protection to commence containment and cleanup activities. In the event of the property owner's failure or refusal to commence containment and cleanup activities within 24 hours after formal notification to do so, the Borough may, but shall not be obligated to, contract for emergency containment and cleanup services by firms licensed and qualified to do so. The cost thereof as certified by the Mayor and Borough Council shall be charged against said lands and the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and

levied upon said lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

**Section 3: Penalties for Violations:**

Any person convicted of a violation of any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding \$2,000.00, or imprisonment for a period not exceeding 90 days, or both or to a period of community service not exceeding 90 days at the discretion of the municipal court judge.

The penalties imposed under this chapter shall be in addition to any other penalties which may be assessed or imposed under any federal or state law or regulation.

**Section 4: Separate Violations except as otherwise provided:**

Every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

**Section 5: Severability and Repealer:**

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.

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Mark R. Peck, Mayor

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Lisa A. Burd,  
Acting Borough Clerk

CERTIFICATION

I, Lisa A. Burd, Acting Borough Clerk, do hereby certify that the foregoing is a true and accurate copy of an ordinance adopted by the Common Council of the Borough of Bloomsbury at a meeting held on June 25, 2006.

First Reading: April 25, 2006

Publication: May 4, 2006

Public Hearing: May 23, 2006

Adoption: June 25, 2006

Publication of Adoption: July 6, 2006