ORDINANCE NO. 15-54

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XX OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 20-4 ENTITLED HYDRAULIC FRACKING AND HYDRAULIC FRACKING BYPRODUCTS

WHEREAS, the Neptune Township Environmental/Shade Tree Commission adopted a resolution of finding and declaration that hydraulic fracturing and the treatment of wastewater, wastewater solids, drill or other byproducts from the hydraulic fracturing process pose significant public health, safety and welfare risks to the citizens of Neptune Township; and,

WHEREAS, the Neptune Township Committee agrees with these findings and desires to prohibit hydraulic fracturing and the use of hydraulic fracturing byproducts within the limits of the Township of Neptune,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that Volume I, Chapter XX of the Code of the Township be and is hereby amended to add Section 20-4 as follows:

SECTION 1.

20-4 – HYDRAULIC FRACKING AND HYDRAULIC FRACKING BYPRODUCTS

20-4.1 Definitions.

“Hydraulic Fracking” shall mean the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often under pressure, into or underneath the surface of the rock for purposes including, but not limited to, well drilling and natural gas exploration and production. The term “hydraulic fracturing” shall include: “fracking”, “hydrofracking”, “hydrofacturing”, and other colloquial terms for this drilling technique.

20-4.2 Prohibitions.

a. Hydraulic Fracking or similar well drilling and natural gas exploration and production as defined in Section 20-4.1 of this ordinance; shall be prohibited.

b. Wastewater, wastewater solids, sludge, drill cuttings, or other byproducts resulting from hydraulic fracturing for the purpose of natural gas exploration or production may not be treated, discharged, disposed of, applied to a roadway, or otherwise released into the environment, or stored within or on any area within the municipal limits of the Township of Neptune.
20-4.3 Violation and penalties.

Any person or persons, property owner or applicable lienholder who violates any provision of this Ordinance shall be subject to a fine not exceeding $2,000.00 (Two Thousand Dollars) or a period of community service not exceeding 90 days or imprisonment of a term not exceeding 90 days, or any combination of the aforesaid penalties for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and in some cases the lienholder and shall be a lien on the subject property.

SECTION 2.

Should any terms, provisions or parts of this ordinance be found invalid, said provision shall not effect any other terms.

SECTION 3

This Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law.

SECTION 4

All Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrell,              Mary Beth Jahn,
Municipal Clerk                  Mayor