

**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

ORDINANCE 08-15

**“ORDINANCE AMENDING VARIOUS CHAPTERS OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF MOUNTAIN LAKES AND MAKING TECHNICAL CORRECTIONS
IN CONNECTION WITH THE WELLHEAD PROTECTION ORDINANCE”**

TAKE NOTICE that **Ordinance 08-15** was introduced at a Regular meeting of the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, held on **July 27, 2015**, and passed its first reading; and that said Ordinance will be considered for final passage at a meeting of the Borough Council of said Borough, to be held on **September 14, 2015 at 8 P.M.** or soon thereafter, in the Mountain Lakes Borough Municipal Building, Mountain Lakes Borough, at which time and place all persons who may be interested will be given an opportunity to be heard. Copies of said Ordinance are available at the office of the Borough Clerk during regular office hours.

BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 40, “Land Use Administration,” Section 40-3, “Definitions,” shall be amended by the deletion of the definition of “Prime Aquifer Area.”

Section 2. Chapter 40, “Land Use Administration,” Section 40-3, “Definitions,” shall be amended by the inclusion of the following additional definition:

WELLHEAD PROTECTION AREA (WPA)

An area described in plain view around a well, from which groundwater flows to the well and groundwater pollution, if it occurs, may pose a significant threat to the quality of water withdrawn from the well.

Section 3. Chapter 102, “Environmental Factors; Soil, Water and Trees,” Section 102-2, “Purposes,” Subsection E shall be amended to read in its entirety as follows:

- E. Limit depletion and pollution of the Borough’s groundwater resources to protect the health, safety and welfare of the residents of the Borough and surrounding communities.

Section 4. Chapter 102, “Environmental Factors; Soil, Water and Trees,” Section 102-6, “Requirement; purpose,” Subsection C shall be amended to read in its entirety as follows:

- C. The Planning Board may require that the applicant provide specialists to testify on important issues. If the proposed development is located in a Wellhead Protection Area, the Planning Board may require assessment by a professional geologist to ensure compliance with all applicable regulations.

Section 5. Chapter 102, “Environmental Factors; Soil, Water and Trees,” Section 102-7, “Contents of Statement,” Subsection C(2) shall be amended so that the term “Prime Aquifer Area” is changed to “Wellhead Protection Area” and Subsection C(2)(f) is amended to read in its entirety as follows:

- (f) Wellhead Protection Area. Development activities in this area shall conform to Article VI.

Section 6. Chapter 102, “Environmental Factors; Soil, Water and Trees,” Section 102-10, “Prime Aquifer Area,” shall be deleted and that Section shall be “reserved.”

Section 7. Chapter 102, "Environmental Factors; Soil, Water and Trees," Section 102-13, "Consideration guidelines," Subsection G shall be amended to read in its entirety as follows:

G. Wellhead Protection Area guidelines.

Section 8. Chapter 208, "Subdivision of Land and Site Plan Review," Section 208-6, "Subdivision review," Subsection B(2) shall be amended to read in its entirety as follows:

- (2) Prior to issuance of preliminary subdivision approval, the Planning Board shall review the plans and reports and ascertain compliance with the provisions of the land use chapters including, but not limited to, environmental impact statement, soil erosion and sedimentation control plan, surface water management plan and Wellhead Protection Area

Section 9. Chapter 208, "Subdivision of Land and Site Plan Review," Section 208-7, "Subdivision submission requirements," Subsection D(4) shall be amended to substitute the term "Groundwater management in the Prime Aquifer Area" with "Wellhead Protection Area regulations."

Section 10. Chapter 208, "Subdivision of Land and Site Plan Review," Section 208-7, "Subdivision submission requirements," Subsection D(5)(d) shall be amended to read in its entirety as follows:

- (d) Wellhead Protection Area compliance.

Section 11. Chapter 208, "Subdivision of Land and Site Plan Review," Section 208-17, "Site plan submission and design requirements," Subsection A(29) shall be amended to read in its entirety as follows:

- (29) Wellhead Protection Area compliance.

Section 12. Chapter 245, "Zoning," Section 245-15, "Supplementary use regulations," Subsection E(5) shall be amended to read in its entirety as follows:

- (5) All lifts, greasing racks and other similar equipment shall be within the building. The underground storage of petroleum products shall meet the most stringent federal and state codes, as applicable, to protect the Borough's groundwater resources. Gas, fuel and other oil tanks which have been in disuse for more than one year shall be reinspected and certified prior to reuse.

Section 13. Chapter 245, "Zoning," Section 245-15, "Supplementary use regulations," Subsection J(6) shall be amended to read in its entirety as follows:

- (6) Petroleum storage. Any storage of petroleum products shall meet all applicable federal, state and local state codes.

Section 14. Chapter 245, "Zoning," Schedule IV, "Prime Aquifer Area," shall be deleted.

Section 15. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 16. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor