

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2021 – 026 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD AND REGULATING THE USE OF ICE RETARDANT SYSTEMS AT GREENWOOD LAKE - AMENDED

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

Section 1. The Revised General Ordinances of the Township of West Milford are hereby amended and supplemented with a new Chapter 159 entitled “Use of Ice Retardant Systems at Greenwood Lake”, which shall read in its entirety as follows:

Chapter 159: Use of Ice Retardant Systems at Greenwood Lake

§159.1. Purpose.

It is the intent of this Chapter to regulate the installation and use of the ice retardant systems on Greenwood Lake properties within the Township of West Milford for the protection of persons and property and to provide for the public health, safety and welfare of the Township of West Milford and its inhabitants.

§159.2. Definitions.

As used in this Chapter the following terms shall have the meanings indicated:

AFFECTED AREA OF ICE:

The area of water body or ice surface disturbed by the operation of an ice retardant system. Said disturbed or affected area includes open water, weakened ice (excessively cracked), thin ice (less than four inches in depth) and area where adjacent ice is covered by a film of water.

ICE RETARDANT SYSTEM:

A mechanical devise(s) or a series of mechanical devices designed to retard or prevent the formation of ice in or around lakefront structures. Said devices utilize as their mode of operation one or more of the following mechanisms: pumped air, artificial water turbulence or the addition of heat to the water body.

OWNER or OPERATOR:

The owner of record of a tract of land according to the tax rolls of the Township of West Milford or any person occupying said premises or utilizing the property.

PERSON:

Any individual, association or individuals, corporation or partnership.

PIERHEAD LINE:

A line running parallel to the bulkhead line and extending not more than 40 feet from said bulkhead line beyond which no dock, pier, marina, or other structure, permanent or temporary, floating or affixed to shore or lake bottom, may be located.

PROTECTED STRUCTURE:

Any lakefront or within-lake structure which the ice retardant system is designed to protect. Such protected structures include but are not limited to docks, piers, bulkheads, catwalks, seawalls and boathouses.

§159.3. Authorization for Use; compliance required.

Utilization of ice retardant systems is hereby authorized within the municipal limits of the Township of West Milford from November 1 of each year through April 15 of the following year for Greenwood Lake.

§159.4 Operation Requirements.

- A. The affected area of ice, under normal operating conditions, shall not extend to within 10 feet of a side property line. Said requirements may be waived if the owner and/or operator of the ice retardant system obtains written permission from the adjacent property owner.
- B. Unless the ice retardant system has been designed and approved in accordance with this Chapter, no system shall be designed or operated in such a way as to prevent ingress or egress to any portion of the water body or to foreclose the formation of ice across a channel.

§159.5. Waiver of requirement.

The Township Council may, by resolution, waive the requirements of this Chapter in situations of hardship or exceptional public necessity. "Exceptional public necessity" shall include but not be limited to a necessity to maintain an open channel of water for access to island lakefront homes. In adopting the resolution, the Township Council may specify requirements as to markings and lighting. Such requirements can include but are not limited to requiring buoys to be placed in the frozen water body to clearly mark the approach, requiring nighttime illumination or fishing lights to indicate that open water is present, limiting the size of the affected ice area to the minimal levels of insurance requirements.

§159.6. Enforcement, violations and penalties.

- A. The Construction Official and/or another municipal official designated by the Township Administrator are hereby designated as the enforcement officers under the terms of this Chapter for the use of an ice retardant system that is inconsistent with the provisions set forth in this Chapter.
- B. A violation of the terms of this Chapter, including the operational requirements, shall be punishable by a fine of not less than \$250.00, nor more than \$2,000, or by imprisonment for a term not to exceed fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder

§159.7. Liability.

Compliance and/or noncompliance with the requirements of this Chapter shall not preclude any civil action for damages arising from injuries incurred through the operation of an ice retardant system.

§159.8. Signage.

Residents using ice retardant systems shall post three 18" x 24" weather-resistant signs at their own cost. The signs shall read "Danger-Thin Ice" and they shall be posted along the shoreline, two at each of the property lines and one on the dock on the end furthest from the property. The signs will be made available by the Township in order to ensure uniformity. The cost of the signs to property owners is to be the actual cost of the signs rounded up to the nearest dollar.

Section 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Section 5. This Ordinance may be renumbered for codification purposes.

Introduced: June 9, 2021
Adopted: July 14, 2021
Effective Date: August 3, 2021

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande,
Township Administrator

By: _____
Michele Dale, Mayor