BOROUGH OF HAMPTON
HUNTERDON COUNTY, NEW JERSEY

NOTICE is hereby given that the following Ordinance was Introduced by title on first reading at a regular meeting of the Borough Council of the Borough of Hampton held on January 28, 2026 and ordered published in accordance with the law. Said Ordinance will be considered for final reading, Public Hearing and Adoption at a regular meeting of the Hampton Borough Council to be held on February 23, 2026 at 6:30p.m. or as soon thereafter at the Municipal Building, 1 Wells Avenue, Hampton, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance

ORDINANCE # 02 - 2026

AN ORDINANCE TO AMEND CHAPTER 208 ENTITLED "STORMWATER QUALITY" OF THE CODE OF THE BOROUGH OF HAMPTON

WHEREAS, the Borough of Hampton has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and

WHEREAS, the Borough of Hampton has obtained a new five (5) year Municipal Stormwater Permit from the State in 2023 to cover the five-year period between January 1, 2023 and December 31, 2027; and

WHEREAS, the Borough of Hampton was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023; and

WHEREAS, the Borough of Hampton has been reclassified as a Tier A municipality and is subject to the Community-wide Ordinance requirements of the new Tier A Municipal Stormwater Permit; and

WHEREAS, the Community-Wide Ordinance requirements in the Borough of Hampton's new Tier A Municipal Stormwater Permit necessitate the adoption of the ordinances herein;

NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HAMPTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT CHAPTER 208 OF THE CODE OF THE BOROUGH OF HAMPTON, ENTITLED "STORMWATER QUALITY", IS CREATED AS FOLLOWS:

Part One – Chapter 208 of the Code of the Borough of Hampton entitled "Stormwater Quality" shall be created as follows:

Chapter 208 – Stormwater Quality

Article I – Private Storm Drain Inlet Retrofitting

§208-1. Purpose.

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Hampton to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply. Installation of all new storm drain inlets must include a catch basin or other BMP designed for solids collection in areas which drain to surface waters and that do not have any other downstream BMPS prior to the surface water discharge.

§208-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)
A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Hampton or other public body, and is designed and used for collecting and conveying stormwater.

PERSON
Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET
The point of entry into the storm sewer system.

§208-3. Regulated Activities.

A. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in §208-4 below prior to the completion of the project.

B. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by the municipality's Stormwater Control Ordinance:

1. Privately-owned or operated storm drain inlets (e.g., condominium association) must be retrofitted where the storm drains are:

a. In direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or

b. In direct contact with any reconstruction or alteration of facilities. This does not include single family homes.

C. Grates in pavement or other ground surfaces shall meet either of the following standards:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtofac.pdf); or

2. A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

a. Examples of grates subject to this standard include grates in grate inlets; the grate portion (noncurb opening portion) of combination inlets; grates on storm sewer manholes; ditch grates; trench grates; and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads, (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors used to collect stormwater from the surface into a storm drain or surface water body.

b. For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.

§208-4. Exemptions.

The following exemptions from the design standard apply:

A. Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;

B. Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

C. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

    1. A rectangular space four and five-eighths inches long and one and one-half inches wide; or

    2. A bar screen having a bar spacing of 0.5 inches;

        a. Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

D. Where flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or

E. Where the Department determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet the standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§208-5. Enforcement.

This ordinance shall be enforced by the Borough Engineer of the Borough of Hampton.

§208-6. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not exceeding $2,000, imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days. After notification of violation, each day of continuance thereof may, in the discretion of the court, be treated as a separate and distinctive violation hereof.

Article II – Wildlife Feeding Control

§208-7. Purpose.

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Hampton, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§208-8. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE

Any undomesticated animal and all organisms that live wild in an area.

§208-9. Regulated Activities.

No person shall feed, in any public park or on any other property owned or operated by the Borough of Hampton, any wildlife.

§208-10. Exemptions.

Exemptions include unconfined wildlife at environmental education centers and feral cats as part of an approved Trap-Neuter-Release program.

§208-11. Enforcement.

This ordinance shall be enforced by the Zoning Officer of the Borough of Hampton.

Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

§208-12. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not exceeding $2,000.

Article III – Illicit Connection

§208-13. Purpose.

To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Hampton, to protect the environment, public health, safety, and welfare, and to prescribe penalties for the failure to comply.

§208-14. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

ILLICIT CONNECTION

Any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):

1. Domestic sewage;
2. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
3. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).
4. Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Hampton or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NON-CONTACT COOLING WATER

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§208-15. Regulated Activities.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Hampton any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§208-16. Enforcement.

This ordinance shall be enforced by the Municipal Violations Officer and the Borough Engineer of the Borough of Hampton.

§208-17. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not exceeding $2,000.

Article IV – Improper Disposal of Waste

§208-18. Purpose.

To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Hampton, to protect the environment, public health, safety, and welfare, and to prescribe penalties for the failure to comply.

§208-19. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Hampton or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§208-20. Prohibited Conduct.

The spilling, dumping, or disposal of materials other than stormwater that causes the discharge of pollutants to the municipal separate storm sewer system operated by Borough of Hampton is prohibited.

§208-21. Exemptions.

A. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;

B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);

C. Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);

D. Irrigation water (including landscape and lawn watering runoff);

E. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;

F. Residential car washing water and dechlorinated swimming pool discharges from single family residential homes;

G. Sidewalk, driveway, and street wash water;

H. Flows from firefighting activities including the washing of fire fighting vehicles;

I. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;

J. Rinsing of beach maintenance equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

K. Flows from clean water rinsing of equipment and vehicles used in the application of salt and deicing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and

L. Rinsing of deicing equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§208-24. Enforcement.

This ordinance shall be enforced by the Municipal Violations Officer and the Borough Engineer of the Borough of Hampton.

§208-25. Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not exceeding $2,000.

Article V – Privately-Owned Salt Storage

§208-26. Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Hampton to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§208-27. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

DE-ICING MATERIALS

Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET

Means the point of entry into the storm sewer system.

PERMANENT STRUCTURE

Means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

A. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

C. The structure shall be erected on an impermeable slab;

D. The structure cannot be open sided; and

E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

Means a person who resides on a residential property where de-icing material is stored.

§208-28. Deicing Material Storage Requirements.

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

4. Loose materials shall be covered as follows:

    a. The cover shall be waterproof, impermeable, and flexible;

    b. The cover shall extend to the base of the pile(s);

    c. The cover shall be free from holes or tears;

    d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

    e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

        i. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16 th and October 14 th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

    1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§208-29. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in §208-28 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§208-30. Enforcement.

This ordinance shall be enforced by the Municipal Violations Officer and the Borough Engineer of the Borough of Hampton during the course of ordinary enforcement duties.

§208-31. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result a fine not exceeding $2,000.

Article VI – Tree Removal and Replacement

§208-32. Purpose

An ordinance to establish requirements for tree removal and replacement in the Borough of Hampton to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§208-33. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely discretionary.

APPLICANT

Means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

CRITICAL ROOT RADIUS (CRR)

Means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

DIAMETER AT BREAST HEIGHT (DBH)

Means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

HIGH RISK TREE

Means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

A. Has an infectious disease or insect infestation;

B. Is dead or dying;

C. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;

D. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or

E. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

PERSON

Means any individual, resident, corporation, utility, company, partnership, firm, or association.

PLANTING STRIP

Means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

PROFESSIONAL FORESTER

An individual recognized by the Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forest Service as a New Jersey State-approved forester.

RESIDENT

Means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

STREET TREE

Means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

TREE

Any woody perennial plant, having a diameter greater than 18 inches, caliper size, measured from a point 4 1/2 feet above ground.

TREE CALIPER

Means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE REMOVAL

Means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

WOODLANDS

Those areas of Hampton identified as upland forests on the Hunterdon County Planning Board map of woodlands (compiled and printed 2003).

§238-34. Tree Replacement.

1. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 18" or more per acre, shall submit a Tree Removal Application to the Zoning Officer. No trees shall be removed until municipal officials have reviewed and approved the removal. This application shall be in addition to any other required permits or determinations to be sought in accordance with this chapter.

2. The species type and diversity of replacement trees shall be in accordance with the list of native tree species published by the Native Plant Society of New Jersey (http://www.npsnj.org/).

3. Replacement tree(s) shall:

    a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;

    b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;

    c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

    d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
1	DBH of 18" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	*$20.00/ Tree*
2	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	*$40.00/ Tree*
3	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	*$50.00/ Tree*

4. Replacement Alternatives:

    a. If the Borough determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

        i. Plant replacement trees in a separate area(s) approved by the Borough.

        ii. Pay a fee of $100.00 per tree replacement planting not completed in accordance with the Tree Replacement Requirements Table above. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§208-35. Exemptions.

A. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Borough by all persons claiming an exemption. Exemptions shall be granted at the discretion of the Hampton Township Zoning Officer upon review of applications for tree removal.

    1. Residents who remove less than five (5) trees per acre that fall into category 1 or 2 of the Tree Replacement Requirements Table within a seven-year period. [The number of trees removed is a rolling count across a seven-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]

    2. Tree farms in active operation, nurseries, fruit orchards, garden centers, and Christmas tree plantations;

    3. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;

    4. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.

    5. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;

    6. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;

7. Hazard trees may be removed with no fee or replacement requirement.

8. Any tree cut or removed in accordance with a woodland management plan developed by the New Jersey Department of Environmental Protection (NJDEP), New Jersey Forest Service, or other professional forester, and filed with the enforcing officer(s) duly appointed by the Borough of Hampton and the Borough of Hampton Tax Assessor. The woodland management plan shall be approved by the New Jersey Forest Service when required to qualify the property for farmland assessment values.

9. In the case where a permit application is required under §238-3, no additional permit fee shall be required.

§208-36. Enforcement.

This ordinance shall be enforced by the Borough Zoning Officer during the course of ordinary enforcement duties.

§208-37. Violations and Penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be liable to a penalty not exceeding $2,000, imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days for each violation. Each day that said violation continues shall be deemed a separate and distinct violation.

Article VII – Refuse Containers / Dumpsters

§208-38. Purpose.

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. This prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Hampton to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§208-39. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Hampton or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

REFUSE

Matter thrown away or rejected as waste, trash.

REFUSE CONTAINER

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER

Means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§208-40. Regulated Activities.

Any person who controls a refuse container or dumpster, whether owned, leased, or operated, must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Hampton.

§208-41. Exemptions.

A. Permitted temporary demolition containers;

B. Litter receptacles (other than dumpsters or other bulk containers);

C. Individual homeowner trash and recycling containers;

D. Refuse containers at facilities authorized to discharge stormwater from dumpsters at a site that is authorized under a valid NJPDES permit; and

E. Large bulky items (e.g., furniture, bound carpet and padding, or household appliances placed curbside for pickup).

§208-42. Enforcement.

This ordinance shall be enforced by Municipal Violations Officer and the Borough Engineer of the Borough of Hampton.

§208-43. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not exceeding $2,000.

Part Two – The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Part Three – This Chapter is not intended to repeal, abrogate, or impair any existing ordinance. However, wherever this chapter and any other ordinance conflict or overlap, whichever imposed the more stringent restrictions shall prevail.

Part Four - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

CERTIFICATION

I, Linda Leidner, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance introduced on January 28, 2026, and adopted on final reading by the Borough Committee of the Borough of Hampton at a regular and duly convened meeting held on _____, 2026.

In witness thereof, I have set my hand and affixed the seal of the Borough of Hampton this ____ day of _____ 2026..

Linda Leidner, RMC
Borough Clerk/ Registrar