

## SECOND READING

### Habitat Protection Ordinance for Wetlands Areas Encompassed within Woodbridge Waterfront Park

I. Purpose - Wetland mitigation construction plans in the southern portion of the Former Nuodex Corporation Facility (to be renamed Woodbridge Waterfront Park) will create and restore a variety of wetland habitats, and provide a haven for a diversity of wildlife (Figure 1, Conservation Easement and Easement Plan) in a primary habitat area of Woodbridge Township. The purpose of this ordinance is the protection of habitat for wildlife anticipated to utilize the site upon completion of the restoration project.

#### II. Definitions:

A. Woodbridge Waterfront Park: Formerly known as Nuodex corporation Facility and is approximately 3 acres of tidal wetlands, 44 acres of emergent freshwater wetlands (marsh, pond, forest, and scrub-shrub habitat types), 31 acres of upland habitat (maritime forest, maritime meadow, maritime shrub, salt shrubland, and existing forest habitat types), and described in the attached as Exhibit "A" hereto.

#### B. Protected Species:

<b>Waterbirds</b>	
Great Blue Heron	<i>Ardea herodias</i>
Great Egret	<i>Ardea alba</i>
Blue-winged teal	<i>Anas discors</i>
Mallard	<i>Anas platyrhynchos</i>
<b>Mammals</b>	
Raccoon	<i>Procyon lotor</i>
White-tailed Deer	<i>Odocoileus virginianus</i>
<b>Reptiles/Amphibians</b>	
Black Rat Snake	<i>Elaphe obsoleta obsoleta</i>
Fowler's Toad	<i>Bufo owleri</i>
Four-toed Salamander	<i>Hemidactylum scutatum</i>
<b>Migratory Birds</b>	
Cedar Waxwing	<i>Bombycilla cedrorum</i>
American Goldfinch	<i>Carduelis tristis</i>
Yellow-rumped Warbler	<i>Dendroica coronata</i>
<b>Fish</b>	
Bluegill Sunfish	<i>Lepomis macrochirus</i>
Mummichog	<i>Fundulus heteroclitus</i>

Black-crowned Night-heron	<i>Nycticorax nycticorax</i>	Threatened
Little Blue Heron	<i>Egretta caerulea</i>	Special Concern
Peregrine Falcon	<i>Falco peregrinus</i>	Endangered
Snowy Egret	<i>Egretta thula</i>	Special Concern
Osprey	<i>Pandion Haliaeetus</i>	Threatened
Brown Thrasher	<i>Toxostoma rufum</i>	Special Concern
Corn Snake	<i>Elaphe g. guttata</i>	Endangered
Indiana Bat	<i>Myotis sodalis</i>	Endangered

**C. Conservation Easements on Former Nuodex Corporation:**

The former conservation easements are described as Conservation Easements E and F and are available at the Middlesex County Clerk's Office and as protected by this Ordinance.

**D. L205 Conservation & Public Access Easement Plan** is attached hereto as Exhibit "B" as a drawing and describes conservation easement parcels on the Former Nuodex Corporation Facility site.

The habitat ordinance includes parcels under Conservation Easements E and F. The public can view the official metes and bounds description of conservation easements at the Middlesex County Clerk's office.

**III. Prohibition.** This Ordinance prohibits commercial development and destruction or harm to any Protected Species within the boundaries of the Woodbridge Waterfront Park habitat area.

**IV. Long Term Objectives.** The Ordinance will support the development of the Woodbridge Waterfront Park by providing suitable foraging, roosting, and/or nesting areas for a variety of Protected Species (as defined above) in New Jersey.

**V. Amendments.** This Ordinance may be amended from time to time to provide additional protection of the habitat of the Protected Species, as defined above, so as to encourage the continued growth in numbers of the Protected Species by protecting them from harm whether by disease or from intentional human predators.

**VI. Standards for Enforcement of Violations.** The Woodbridge Township Police will respond to any complaints pursuant to this Ordinance and will issue a fine for any harm resulting to any of the Protected Species and may arrest any individual where there is evidence of intentional harm to any Protected Species or evidence of any commercial development on the protected habitat as defined above.

**VII. Fees and Penalties.**

A first violation of this Ordinance may result in a fine of no more than a \$1,000.00 and no more than two days in prison or community service. A second violation will result in a fine of no less than \$1,000.00 and no more than three days in prison or community service.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

This ordinance shall become effective 20 days after adoption and publication according to law.

ADOPTED:     **AUG 07 2012**

I hereby certify that the above is a true and exact copy of the Ordinance adopted by the Municipal Council of the Township of Woodbridge at their Regular Meeting held on

**AUG 07 2012**

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A handwritten signature in black ink, appearing to read "John M. Mitch", is written over a horizontal line.

JOHN M. MITCH, RMC, CMC, CMR  
MUNICIPAL CLERK