



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: 761-2014
 DATE OF INTRODUCTION: 11/25/2014
 DATE OF ADOPTION: 12/11/2014

11/25/2014

AN ORDINANCE TO AMEND THE LAWS OF UNION COUNTY, ADMINISTRATIVE CODE AND POLICIES AND GENERAL LEGISLATION BY AMENDING CHAPTER 1- UNION COUNTY GOVERNMENT STRUCTURE: ARTICLE III, BOARD OF CHOSEN FREEHOLDERS; ARTICLE XIX, DEPARTMENT OF PUBLIC WORKS AND FACILITIES MANAGEMENT and ARTICLE IV, BUDGET PROVISIONS; CHAPTER 6-AFFIRMATIVE ACTION; CHAPTER 107-RECREATION AND PARKS: ARTICLE IV, FEES FOR RECREATIONAL FACILITIES; ARTICLE V, COUNTY OF UNION POLICY OF PROTECTIVE GEAR AT COUNTY SKATEBOARD FACILITIES; and CHAPTER 115-SAFETY CODE: ARTICLE VII, TREE PROTECTION; ARTICLE VIII, ENCROACHMENT OF COUNTY PROPERTY AND INCLUSION OF ARTICLE X, HYDRAULIC FRACTURING

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that the "Laws of Union County" are hereby amended as follows.

CONTINUED...

NO SUFFICIENCY OF FUNDS REQUIRED

Enck Mason 11/25/14

INTRODUCTION								RECORD OF VOTE								FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord	Sec	NP
BERGEN	✓							BERGEN	X							BERGEN	X						
CARTER	✓					X		CARTER	X							CARTER	X						
ESTRADA							✓	ESTRADA	X						X	ESTRADA	X						
GRANADOS							✓	GRANADOS	X							GRANADOS	X						
KOWALSKI	✓							KOWALSKI	X							KOWALSKI	X						
MIRABELLA	✓							MIRABELLA	X							MIRABELLA	X						
WRIGHT	✓				X			WRIGHT	X					X		WRIGHT	X						
JALLOH VICE CHAIRMAN	✓							JALLOH VICE CHAIRMAN	X							JALLOH VICE CHAIRMAN	X						
HUDAK CHAIRMAN							✓	HUDAK CHAIRMAN	X							HUDAK CHAIRMAN	X						

APPROVED AS TO FORM

COUNTY ATTORNEY

I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date

CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date

CLERK

Chapter 1, UNION COUNTY GOVERNMENT STRUCTURE

ARTICLE III, Board of Chosen Freeholders

§ 1-17. Office of Open Space Recreation and Historic Preservation Trust Fund

[Added 6-20-2002 by Ord. No. 553]

There is hereby established under the supervision of the Board of Chosen Freeholders the Office of Open Space, Recreation and Historic Preservation Trust Fund, which shall be responsible for:

- A. Staffing and assisting the Freeholder Committee on Trust Fund issues with accompanying resolutions, by-laws and legislative approval.
- B. Supervising consultants to ensure Freeholder directives are implemented and work is completed according to specifications.
- C. Creating and administering grant programs and overseeing the Green Acres Planning Incentive Grant application process responsible for grants awarded to the Union County Trust Fund.
- D. Assisting the County Manager with acquisition purchases by working with Green Acres and the Law Department and completing requirements prescribed by statute.
- E. Complying with statutory requirements including arranging public meetings.
- F. Staffing the public advisory committee and the three sub-committees.
- G. Overseeing the Open Space Strategic Plan, Recreation Master Plan and Historic Preservation Strategic Plan including:
 - 1) Continuous updating of the County's inventory.
 - 2) Database management of sites.
 - 3) GIS plotting and mapping indicating potential contiguous green space, other available green space, Brownfields, and historic sites.
 - 4) Providing assistance on projects.
- H. Overseeing the municipal monitoring process with the Law and Finance Departments to ensure proper usage of Trust Fund dollars.
- I. Working with the Finance department to monitor spending and to create a proposed list of 2002 projects to allow for the best bond financing available.

§ 1-18. Office of Communications and Public Information.

[Added 5-28-1987 by Ord. No. 271; Amended 6-20-2002 by Ord. No. 553]

There is hereby established under the supervision of the Board of Chosen Freeholders the Office of Communications and Public Information, which shall be responsible for:

- A. The preparation, editing, publication and dissemination of all official County publications, including but not limited to the Annual Report and Annual County Directory.
- B. The coordination of all press conferences and media presentations required in the normal course of business by all Freeholders, the County Manager and all departments and divisions of the County.
- C. The preparation and dissemination of all press releases, press kits and photographs concerning County events, matters, issues and activities as may, from time to time, be required by the Board of Chosen Freeholders, the County Manager or departments and divisions of County government.

§ 1-19 Office of Archives & Records Management

Under the supervision of the Clerk of the Board, the Board shall appoint a Records Manager, preferably with a state certification, and other staff deemed appropriate to execute proper Records Management principles.

The work of the Office of Archives and Records Management ("OARM") is to administrate and enforce the guidelines for records storage, preservation and destruction set forth by the State of New Jersey, Department of State, Division of Archives and Records Management.

The OARM must inform and continue to educate each County department of the appropriate retention requirements for their documents, and assist them in storing or destroying documents as appropriate. The OARM is the department through which records may be sent to the County's third party, off-site storage facility; the OARM also administers the records management contract(s).

The OARM follows similar protocols for retention and destruction of records for the municipalities that choose to participate with the County in records management.

The OARM maintains a part-time Archivist position responsible for maintaining and cataloguing the County's historic and permanent documents.

The Records Manager and the Records Retrieval Operators are also responsible for the County's Records Imaging and Microfilming program, through which documents designated by the State as Permanent and Historic are imaged into the County's state-certified Electronic Data Management system and microfilmed, as required. All departments throughout the County as well as municipalities within the County have access to and utilize the Electronic Data Management System for various purposes.

§ 1-20 Office of the Chief of Staff

There is hereby established, under the Supervision of the Board of Chosen Freeholders, the Office of Chief of Staff. The Chief of Staff shall be the head of the Office and shall be responsible to the Board of Chosen Freeholders for the Office's operation. The Chief of Staff may also serve as the head of an office within the Offices of the Union County Board of Chosen Freeholders.

The Office of Chief of Staff shall be responsible for:

- A) Supervising and coordinating the functions of the Office of Freeholder Advancing and Staffing.
- B) Supervising and coordinating the functions of the Office of Legislative Research and Constituent Outreach.
- C) Overseeing the supervision of the Legislative Aides or Confidential Assistants to the Freeholders.
- D) Coordinating and preparing budget requests for the Office of Freeholder Advancing and Staffing, the Office of Legislative Research and Constituent Outreach, the Office of Communications and Public Information and the Office of the Chief of Staff.
- E) Providing for the funding of all legislative initiatives.
- F) Such other duties as the Board of Chosen Freeholders may assign.

§ 1-21 Office of Freeholder Advancing and Staffing

The Board shall appoint a qualified person to serve as Director of the Office of Freeholder Advancing and Staffing

Under the supervision of the Chief of Staff, the Director of the Office of Freeholder Advancing and Staffing shall be responsible for:

- A. The coordination of the Freeholder Schedule.
- B. The supervision and assigning of the Legislative Aides as it relates to the coordination/confirmation of Freeholders' attendance to various county and non-county sponsored events; requiring clear communication between the Freeholder and the event contact person(s).
- C. The supervision of the three (3) Legislative Aides communication with their assigned Freeholders and the management of their individual Freeholders' schedules.
- D. Assist the Clerk of the Board with the coordination of presentations during the Freeholder meetings.
- E. The coordination of the County's videotaping of/and preparation of dvd's for dissemination of all Agenda Sessions and Regular Meetings to various municipalities and media outlets. The Director will supervise the Legislative Aide's videotaping, editing and coordination of video to be posted to the Union County Video Channel on the official Union County website.
- F. Assigning proper staffing of Legislative Aides to represent Freeholders at various Advisory Boards, committee meetings and/or meetings and to prepare notes for said meetings.
- G. Coordinating the Freeholder/Office of Public Information (OPI) Van; including the coordination of stocking the Freeholder/OPI Van with current and relevant county departmental printed materials (i.e., fliers and brochures).
- H. Assisting any and all offices in the County with staffing for County Sponsored events.
- I. Such other duties as the Board of Chosen Freeholders may assign.

§ 1-22 Office of Legislative Research and Constituent Outreach

The Board shall appoint a qualified person to serve as Director of the Office of the Legislative Research and Constituent Outreach.

Under the supervision of the Chief of Staff the Director of the Office of the Legislative Research and Constituent Outreach shall:

- A) Provide supervision of Legislative Aides as it relates to the coordination of drafting laudatory resolutions on behalf of the Freeholder Board; delegating the various resolutions among the three (3) Legislative Aides to ensure they are completed in a timely manner.
- B) Provide supervision of the Legislative Aides as it relates to the coordination of drafting Certificates of Appreciation on behalf of the Freeholder Board.
- C) Provide supervision of the Legislative Aides as it relates to the coordination of drafting Talking Points and Speeches on behalf of the Freeholder Board.
- D) Provide supervision of the Legislative Aides as it relates to the coordination of drafting Constituent Letters on behalf of the Freeholder Board.
- E) The Director of the Office of the Legislative Research and Constituent Outreach is tasked with researching various issues and pending legislation affecting Union County residents, and will work in conjunction with State Legislative offices, Governmental and Community organizations in support or opposition to said legislation.
- F) The Director is also responsible for increasing constituent outreach by way of social media; focusing on the utilization of individual Freeholder Facebook sites and Instagram.

- G) The Director will create and implement special events in the furtherance of initiatives set forth by the Freeholder Board in an effort to maximize the outreach and exposure to the constituents
- H) The Director of Legislative Research and Constituent Outreach can perform other tasks as requested by the Freeholder Board and/or the Chief of Staff.

LEGISLATIVE AIDES

Under the supervision of the Chief of Staff, the Board shall appoint in the unclassified service in the County a sufficient number of Legislative Aides to provide administrative services for the Members of the Board. The County Manager shall be instructed to place sufficient monies in the budget to provide necessary funding.

A person acting as a Legislative Aide in this section shall be considered a full time employee of the County and shall enjoy all rights and privileges as an employee.

A Legislative Aide shall keep in confidence those things which are discussed informally by the Members of the Board in which the Board takes on no official action.

Legislative Aides shall report as assigned to the Office of Advancing and Staffing and the Office of Legislative Research and Constituent Outreach.

To be considered for employment as a Legislative Aide, the prospective employee must possess the necessary skills that are normally required for this type of employment.

The compensation of Legislative Aides shall be set in accordance with the provisions of the Non-Contractual Employee Classification and Compensation Plan.

§ - 1-23. Recording of resolutions and ordinances.

The Clerk of the Board shall record all ordinances and resolutions adopted by the Board and, at the close of each year, with the advice and assistance of the County Counsel, shall bind, compile or codify true copies of all ordinances and resolutions adopted during that year, properly indexed. The Clerk shall cause sufficient copies thereof to be printed to enable him to file one copy with the Clerk of each municipality within the County, without charge, and also to make copies available to the general public, at cost.

ARTICLE XIX, Department of Public Works & Facilities Management

§ 1-112. Division of Public Works.

- A. Under the direction and supervision of the Director of The Department of Public Works and Facilities Management, the Division of Public Works' functions and responsibilities shall include: road construction and maintenance, bridge maintenance and public works, shade tree and conservation, mosquito control and traffic maintenance.
- B. Division head. The Director of the Division of Public Works shall be the head of the Division and shall be responsible to the Director of the Department of Public Works Facilities Management for its operation. The Director of the Division of Public Works may be the Director of the Department of Public Works and Facilities Management.
- C. Division organization.
 - (1) Within the Division, there shall be the following bureaus:
 - (a) Bureau of Roads and Bridges.
 - (b) Bureau of Shade Tree and Conservation.
 - (c) Bureau of Mosquito Control.

- (d) Bureau of Inspections.
 - (e) Bureau of Heavy Equipment and Truck Repair.
 - (f) Bureau of Traffic Maintenance
- (2) Bureau Chief. The Chief of each bureau shall be in charge of the bureau and shall be responsible to the Director of the Division of Public Works.
- (3) The Bureau of Roads and Bridges' functions shall include:
- (a) Maintaining and repairing County roads.
 - (b) Maintaining, installing and cleaning storm drainage facilities.
 - (c) Performing weed control and grass maintenance on all County rights-of-way.
 - (d) Maintaining County roads in a clean and safe condition for passage free of all obstructions and hazards and removing leaves, snow, ice and debris as required.
 - (e) Maintaining, installing and repairing road warning signs and traffic lane markings on all County roads and bridges.
 - (f) Maintaining and repairing County bridges and culverts.
 - (g) Maintaining County bridges free of obstructions and hazards.
 - (h) Performing stream clearance and desnagging under County bridges and culverts.
 - (i) Operating and maintaining movable County bridges.
- (4) The Bureau of Shade Tree and Conservation's functions and responsibilities shall include:
- (a) Providing for the planting, replanting, trimming and care of trees within County road rights-of-way. [amended 2-5-2004 by Ord. No. 587].
 - (b) Operation of the County's compost facility and ancillary work.
 - (c) Providing for the care, cultivation, planting and trimming of trees on all County Parkland.
- (5) The Bureau of Mosquito Control's functions shall include:
- (a) Controlling and exterminating all species of mosquitoes within County limits.
 - (b) Coordinating all activities with adjacent counties to control the breeding of all species of mosquitoes within flight range of the County.
 - (c) Enforcing Title 25, Chapter 9, Article 2 of the Laws of the State of New Jersey.
- (6) The Bureau of Inspections' functions and responsibilities shall include:
- (a) Issuing permits for County roads for curbing, driveway aprons, roadway openings and work on or in the vicinity of a bridge or culvert, maintaining records as necessary and inspecting the construction of these items. Controlling and exterminating all species of mosquitoes within County limits.
 - (b) Cooperating with public service facilities and private contractors in placing County projects.
 - (c) Supervising material testing procedures relating to construction of County roads, bridges and curbing. Enforcing Title 25, Chapter 9, Article 2 of the Laws of the State of New Jersey.
 - (d) Accepting applications, issuing permits and maintaining records for road openings, curbs, driveway aprons and connections to bridges, culverts and drainage systems within roadways maintained by the County.

(e) Inspections of all County-owned Lands to determine if there are encroachments.

(f) Enforcement of the County of Union Encroachment Ordinance.

(g) Coordination with the County Police, consistent with § 115-51 of the Laws of Union County.

(7) The Bureau of Heavy Equipment and Truck Repair

(a) Having responsibility for performing repairs, maintenance and all service necessary to keep the County's Heavy Equipment and Truck in safe and readily usable condition.

(8) Bureau of Traffic Maintenance's functions shall include:

(a) Providing traffic engineering services as required, including the gathering of operational traffic count data, performing studies to determine capacities and identifying and recommending corrections to traffic problems.

(b) Reviewing applications for land development within the County to determine traffic impact on County roads.

(c) Soliciting federal and state grants for traffic programs.

(d) Rendering technical assistance and advice to municipal engineers, police departments and the public concerning traffic/transportation.

(e) Supervising the maintenance of County roadway markings and signs.

(f) Maintaining records related to County roadways, markings, signs and traffic Volume data.

(g) Providing a liaison with federal and state agencies involved in traffic engineering.

(h) Providing engineering advice and design services to implement and maintain an intelligent transportation System (ITS) capability in Union County.

ARTICLE IV, Budget Provisions

§ 2-31. Review and approval of personnel actions.

The following types of personnel actions shall be submitted by the County Manager to the Board of Chosen Freeholders for its review and approval:

A. Requests for creation of a new position, i.e., increasing the total number of positions contained in the Master Position Control Schedule.

B. A proposed merger/consolidation of two or more positions resulting in a decrease in the total number of positions contained in the Schedule.

C. A proposed bifurcation of a position thereby increasing the total number of positions contained in the Schedule, except where such bifurcation results in part-time positions that would not increase either a given department's or division's annualized salary account or the full-time equivalent of the total number of positions contained in the Schedule.

D. Any request for either a new hire or promotion in a noncontractual position wherein the proposed salary exceeds the amount set forth in the Master Position Control Schedule of the Adopted Annual Budget.

Chapter 6. AFFIRMATIVE ACTION

§ 6-4. Affirmative Action Officer.

[Amended 4-14-1994 by Ord. No. 390; 4-10-2003 by Ord. No. 569]

A. There is hereby established the full-time position of Affirmative Action Officer, who shall be the head of the Office of Affirmative Action and shall:

- (1) Review any affirmative action plan submitted by County departments and instrumentalities, including their recruitment procedures and records.
- (2) Recommend, advise and/or develop programs to ensure upward mobility of all employees and those serving in appointive positions.
- (3) Recommend and develop relevant training programs.
- (1) Review and update statistics relating to affirmative action goals.
- (2) Be responsible for informing all employees of their rights and available remedies for redress of grievances.
- (3) Circulate all vacancies and new positions to all County employees prior to public advertising. Such advertising shall be made through minority as well as the regular news media and by notice to the major women's and minority organizations within the County. Such advertising shall be accompanied by the statement "Union County is an equal opportunity employer."
- (4) Be responsible for assuring that each department or instrumentality of the County is provided with a copy of the County's Affirmative Action Plan, which shall be updated at least every nine months, but not exceeding one year in time. Such plans shall include guidelines for upward mobility and personnel data identifying areas of underutilization of women, persons with disabilities and minorities, with specific goals for remedying such areas. Such updating shall contain a review of department employees, showing progressions in equal opportunity for their advancement in measure commensurate with their abilities. They shall also contain accurate up-to-date job descriptions for each position. The Affirmative Action Officer shall have available full job descriptions and salary ranges for each position in County government.

B. The Affirmative Action Officer shall be directly responsible to the County Counsel and the County Manager and, through him, to the Board in all matters relating to affirmative action.

Chapter 107. RECREATION AND PARKS

ARTICLE IV, Fees for Recreation Facilities

§ 107-6. Park Fees

The Union County Board of Chosen Freeholders annually adopts a fee schedule for all facilities and programs operated by the Department of Parks and Recreation. The Clerk of the Board will publish the required notice in the appropriate newspaper of such introduction and public hearing for the Schedule of Fees. A copy of the currently effective Schedule of Fees ordinance is on file in the Clerk of the Board's office and is available for examination during office hours.

The Director of the Department of Parks and Recreation, with the written approval of the County Manager, is hereby authorized to amend or modify fees set forth in the fee schedule for special promotions at a rate of not less than 50 percent of the established fee. There shall be no more than 12 amendments or modifications to fees for special promotions in a calendar year. In the event that the Director shall amend or modify any fee he shall file a written notice of said amendment or modification with the Clerk of the Board of Chosen Freeholders and the Director of the Department of Finance, no less than five business days prior to the effective date of the amendment or modification.

§ 107-7. Fees for Food, Beverage and Banquet Services at the Galloping Hill Golf Course.
[Added 3-14-2013 by Ord. No. 2013-748]

The Union County Board of Chosen Freeholders shall annually adopt a fee schedule for Food, Beverage and Banquet Services at the Galloping Hill Golf Course. The Clerk of the Board will publish the required notice in the appropriate newspaper of such introduction and public hearing for the Schedule of Fees. A copy of the currently effective Schedule of Fees ordinance is on file in the Clerk of the Board's office and is available for examination during office hours.

The Director of the Department of Parks and Recreation, with the written approval of the County Manager, is hereby authorized to amend or modify fees set forth in the fee schedule for special promotions at a rate of not less than 50 percent of the established fee. There shall be no more than 12 amendments or modifications to fees for special promotions in a calendar year. In the event that the Director shall amend or modify any fee he shall file a written notice of said amendment or modification with the Clerk of the Board of Chosen Freeholders and the Director of the Department of Finance, no less than five business days prior to the effective date of the amendment or modification.

ARTICLE V, County of Union Policy of Protective Head Gear at County Skateboard Facilities

[Adopted 1-4-2009 by Ord. No. 680-2009]

§ 107-10. Findings & Establishment of Ordinance.

- A. Establishment. There is hereby established the County of Union Protective Head Gear Ordinance, which requires the use of protective Head Gear whenever utilizing a Skateboard Facility owned or operated by the County of Union, or maintained on County Park Property.
- B. Findings. The County of Union, through the Department of Parks and Recreation, is the Owner, or Operator of skateboard facilities at County Parks. The Board is committed to sustaining the health and safety of its citizens and users and therefore declares the use of protective head gear whenever utilizing a Skateboard Facility owned or operated by the County of Union.

§ 107-14. Enforcement.

The County of Union's Director of the Department of Parks and Recreation, or his designees is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof; however, such notice shall not be a prerequisite for the issuance of a summons. The Director shall notify the Union County Police Department ("County Police") of any violation(s), who shall investigate said violation(s). The County Police is independently authorized to issue any summons for violations of this ordinance, as appropriate. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute violators in any legal proceedings as may be required.

ARTICLE VII – Tree Protection

§ 115-42A. Enforcement.

[Amended 3-10-2005 by Ord. No. 611]

The County of Union's Director of the Department of Parks and Recreation, is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof; however, such notice shall not be a prerequisite for the issuance of a summons. The Director will notify the Union County Police Department ("County Police") of any violation(s), who shall investigate said violation(s). The County Police is independently authorized to issue any summons for violations of this ordinance, as appropriate. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute violators in any legal proceedings as may be required.

ARTICLE VIII – Encroachment of County Property

§ 115-51. Enforcement.

[Amended 3-10-2005 by Ord. No. 611]

The County of Union Bureau Chief of the Bureau of Inspections is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof; however, such notice shall not be a prerequisite for an issuance of a summons. The Bureau Chief of the Bureau of Inspections may notify the County Police of any violations and the County Police shall investigate said violations. The County Police is independently authorized to issue any appropriate summonses for violations of this ordinance. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute any legal proceedings as may be required.

ARTICLE IX – Local Supplemental Violations Bureau Schedule

ARTICLE X – HYDRAULIC FRACTURING

§ 115--55- Hydraulic Fracturing

A. Establishment. There is hereby established an Ordinance prohibiting hydraulic fracturing on County-owned property.

B. Findings. The Union County Board of Freeholders ("the Board") recognizes that the exploratory, drilling and extraction operations incident to hydraulic fracturing pose significant risks to public health, safety and welfare, as well as the natural resources of the County of Union. Hydraulic fracturing or "fracking" is a drilling technique which uses vast quantities of water mixed with chemicals and solids pumped into shale formations at high pressure to fracture the shale formations. As a result, the water, known as wastewater, becomes contaminated with heavy metals that present a risk to the people and property of the County of Union.

C. Definitions. For purposes of this ordinance, the following terms shall have the following meaning:

1. "County-owned property" shall mean any property in whole or in part owned, maintained, or controlled by the County of Union.

2. "Hydraulic Fracturing" shall mean the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or other substances, and 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," "hydrofracturing," and other colloquial terms utilized to describe this drilling technique.

3. "Reconnaissance" shall mean the express definition as codified pursuant to N.J.S.A. 13:1M-18(a)(1), (2), (3) and (4).

D. Prohibition Of Hydraulic Fracturing On County-Owned Property. The County of Union, pursuant to N.J.S.A. 13:1M-18(a), hereby prohibits and bans any and all drilling for natural gas, and exploration of natural gas beyond the reconnaissance phase, on any and all County-owned property.

E. Severability. Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any remaining part thereof.

F. Effective Date. This ordinance shall take effect upon the approval or acquiescence of the Department of Environmental Protection as expressly provided for pursuant to N.J.S.A. 13:1M-18(b).