

ORDINANCE NO. 2005-1012

AN ORDINANCE REGULATING THE DISPOSAL OF YARD WASTE

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

SECTION I. Purpose:

An ordinance to establish a yard waste collection and disposal program in the Borough of Manville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II 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.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

SECTION III. Prohibited Conduct

The owner or occupant of any property, or any agent, employee, or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow, or otherwise place yard waste, unless the yard waste is containerized, in the street. Provided, however, sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street shall be allowed during the seven (7) days prior to a scheduled and announced collection for the specific type of yard waste so placed, and such yard waste shall not be placed closer than 10 feet from any storm drain inlet. Placement of yard waste at the curb or along the street other than in conformity with the provisions herein is a violation of this ordinance. If non-conforming placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION IV. Enforcement:

This ordinance shall be enforced by the Police Department and the Code Enforcement Office of the Borough of Manville.

SECTION V. Construction:

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION VI. Inconsistency:

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION VII. Severability:

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION VIII. Penalty:

Upon conviction for violation of any provision of this ordinance the maximum penalty shall be one (1) or more of the following: a fine not to exceed One Thousand Two Hundred-Fifty (\$1250.00) Dollars, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this ordinance exists shall constitute a separate violation.

SECTION IX. Purpose of Captions:

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION X. Effective Date:

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

ORDINANCE #2005-1012

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	ALLAN	√			
		ASHER	√			
		OTRIMSKI	√			
√		PETROCK	√			
		PETRONE				√
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 13th day of June, 2005.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
√		ASHER	√			
		OTRIMSKI	√			
		PETROCK				√
		PETRONE	√			
	√	WEISS	√			
		MAYOR CORRADINO				

PASSED this 27th day of June, 2005.

Attest:

Philip E. Petrone, Borough Clerk