

05-12-614

ORDINANCE OF THE BOROUGH OF PINE BEACH,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ESTABLISHING A PROCEDURE FOR
CONTAINERIZED YARD WASTE

BE IT ORDAINED by the Borough Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter 96 of the Code of the Borough of Pine Beach entitled "Garbage and Recycling," § 96-12 entitled "Preparation of leaves, grass and brush for collection," shall be deleted in its entirety and replaced as follows:

PURPOSE. To establish requirements for the proper handling of yard waste in the Borough of Pine Beach, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

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.

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.

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

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.

Yard Waste - means leaves and grass clippings.

PROHIBITED CONDUCT. The owner or occupant of any property, or any 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. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

ENFORCEMENT. This ordinance shall be enforced by the Code Enforcement Officer and/or the Police Department of the Borough of Pine Beach.

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 to exceed \$1,000.00 and/or incarceration in the County Jail for up to ninety days for each and every violation.

SEVERABILITY. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

This ordinance shall be in full force and effect from and after its adoption and any publication as required. ALL OF WHICH IS ADOPTED THIS 8TH DAY OF JUNE 2005, by the governing body of the Borough of Pine Beach.