

YARD WASTE COLLECTION PROGRAM

Section 3. There is hereby created a new section 3-22 entitled "Yard Waste Collection Program" which reads as follows:

"3-22 YARD WASTE COLLECTION PROGRAM.

3-22.1 Purpose. An ordinance to establish a yard waste collection and disposal program in the Borough of Bernardsville, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

3-22.2 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 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.

3-22.3 Yard Waste Collection. Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than ten (10) feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such 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.

3-22.4 Enforcement. The provisions of this ordinance shall be enforced by the Code Enforcement Officer and the Bernardsville Police Department.

3-22.5 Violations and Penalties. Any person who violates any provision of this section shall be liable, upon conviction, to the penalties stated in Chapter I, section 1-5.

BERNARDSVILLE BOROUGH
ORDINANCE #2010- 1542

**AN ORDINANCE CONCERNING YARD WASTE COLLECTION AND AMENDING
CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**

STATEMENT OF PURPOSE: To amend the Borough Code to reflect revisions to the Borough's NJDEP Tier A Municipal Stormwater General Permit concerning the placement of yard waste (leaves and grass clippings).

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

Section 1. Subsection 3-23.3 entitled "Yard Waste Collection" of Section 3-23, entitled "3-23 Improper Disposal of Waste." in Chapter III of the Borough Code entitled "Police Regulations" is amended to read as follows:

3-22.3 Yard Waste Collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection scheduled and announced fall collections, and shall not be placed closer than ten (10') feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this section. ~~If such placement of yard waste occurs, the party responsible for placement of~~ Each day that the yard waste must remove the yard waste from the street or said party remains shall be deemed in a new violation of this section. (Ord. # 2005-1375 §3)

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

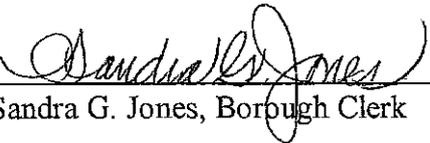
Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared

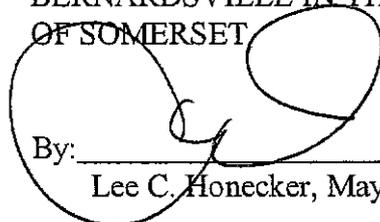
invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:


Sandra G. Jones, Borough Clerk


By: _____
Lee C. Honecker, Mayor

Introduction: April 26, 2010

1st Publication: April 29, 2010

Public Hearing and Adoption: May 10 (tabled), May 24 (adopted)

2nd Publication: May 27, 2010