

ORDINANCE #1756

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, by Creating a New Chapter 18 “Yard Waste Containerization and Collection Program” to Comply with the NJPDES Municipal Stormwater Regulations Program

SECTION I. Purpose:

The purpose of this ordinance is to add a new section to Chapter 18 of the Revised General Ordinances of the Township of Bernards to establish requirements for the proper handling of yard waste in the Township of Bernards, in compliance with the NJPDES Municipal Stormwater Regulations Program, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 18-8.1. Definitions.

For the purpose of this section 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 shall mean the placement of yard waste in a trashcan, 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 shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

STREET shall mean 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 right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street right-of-way lines.

YARD WASTE shall mean brush, leaves and grass clippings.

§ 18-8.2. Prohibited Conduct.

No 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 sweep, rake, blow or otherwise place yard waste in the street unless the yard waste is containerized.. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste shall remove the yard waste from the street or said party shall be deemed in violation of this section.

§ 18-8.3 Yard Waste Collection Program.

The Township of Bernards shall establish a program to accept leaves contained in leaf bags as delivered to the Pill Hill Recycling Facility by the property owner. Property owners may bring brush to the same facility in accordance with current regulations. Disposal of grass, leaves and brush in any street shall be deemed in violation of this section, as provided in § 18-8.2 above.

§ 18-8.4. Enforcement.

The provisions of this section shall be enforced by the Zoning Enforcement Officer of the Township of Bernards.

§ 18-8.5. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth in Section 3-1 of the Revised General Ordinances of the Township of Bernards.

SECTION II. 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 III. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Explanatory Statement:

This ordinance aligns with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. Peter Messina took the model ordinances provided by the NJDEP and inserted the appropriate enforcement agency. While this ordinance may provoke discussion, we are not aware that we can change the substance of the ordinances. Bernards Township must implement this ordinance on or before 10/1/05. Barbara J. Pence, Administrator

Publication by Summary Pursuant to N.J.S.A.40:49-2

This ordinance is consistent with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. It is based on the model ordinances provided by the NJDEP and has been amended to include the appropriate enforcement agency in Bernards Township. No 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 sweep, rake, blow or otherwise place yard waste in the street unless the yard waste is containerized.. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste shall remove the yard waste from the street or said party shall be deemed in violation of this section.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #1756 having been introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 8/10/04, and then ordered to be published according to law, will be further considered for final passage and adoption at a public hearing held at a meeting of said Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 9/28/04, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer

Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

Note: the 9/28/04 meeting and PH were adjourned to 10/30/04

TOWNSHIP OF BERNARDS
Public Notice

Notice is hereby given that Bernards Township Ordinance #1756, was introduced and passed on first reading at a meeting of the Township Committee, on 8/10/04 and passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 9/30/04.

Denise Szabo
Municipal Clerk