

Explanation: This Ordinance establishes the requirements for proper handling of Yard Waste Collection.

Agenda
Item
XI-1

**TOWNSHIP OF BERKELEY HEIGHTS
ORDINANCE NO. 9-05**

“INTRODUCTION OF AN ORDINANCE TO AMEND TITLE 13 PUBLIC SERVICES TO ESTABLISH A NEW CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” SECTION 13.17.010 ESTABLISHING REQUIREMENTS FOR THE PROPER HANDLING OF YARD WASTE COLLECTION, OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS”

BE IT ORDAINED by the Township Committee of the Township of Berkeley Heights that Section 13.17.010 of Chapter 13.17 of the Municipal Code of the Township of Berkeley Heights entitled “Stormwater Control”, be and is hereby amended as follows:

1. Title 13 is revised as follows:

13.17.010 YARD WASTE COLLECTION

SECTION 1. 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, 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 2. 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 the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION 3.

ENFORCEMENT

The provisions of this ordinance shall be enforced by Director of Public Works of the Township of Berkeley Heights.

SECTION 4.

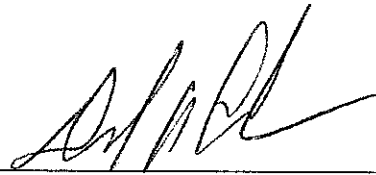
VIOLATIONS AND PENALTIES

Any person or persons, firm or corporation, who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) and upon default in the payment thereof to imprisonment in the county jail for a period not exceeding thirty (30) days or both, in the discretion of the magistrate before whom such conviction may be had.

2. All Ordinances of the Township of Berkeley Heights that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not effect the remaining portion of this Ordinance.
4. This Ordinance shall take effect after final hearing and publication according to law .

INTRODUCED the 8th day of March, 2005.

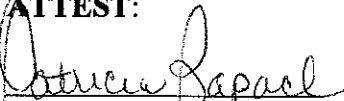
ADOPTED the 22nd day of March, 2005.



DAVID A. COHEN

Chairman (Mayor) Township Committee

ATTEST:

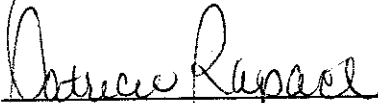


PATRICIA RAPACH
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Committee of the Township of Berkeley Heights, County of Union and State of New Jersey, on 3/8/05 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on March 22, 2005, at 8:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.



Patricia A. Rapach, RMC/CMC
Township Clerk

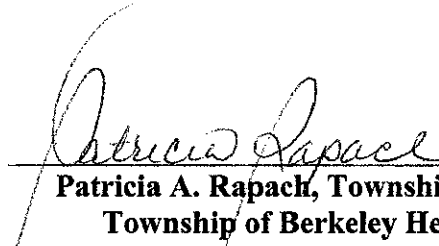
**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON MARCH 8, 2005:**

**“AN ORDINANCE TO AMEND TITLE 13 PUBLIC SERVICES TO ESTABLISH A
NEW CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” SECTION
13.17.010 ESTABLISHING REQUIREMENTS FOR THE PROPER HANDLING OF
CONTAINERIZED YARD WASTE, OF THE CODE OF THE TOWNSHIP OF
BERKELEY HEIGHTS”** (Explanation: This Ordinance establishes the requirements for proper
handling of Yard Waste.)

I, Patricia A. Rapach, Township Clerk of the Township of Berkeley Heights, County of
Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on
Final Passage by the Township Committee of the Township of Berkeley Heights at its
meeting held on March 22, 2005.



**Patricia A. Rapach, Township Clerk
Township of Berkeley Heights**