

ORDINANCE NO. 10-2023

ORDINANCE OF THE BOROUGH OF BRANCHVILLE, COUNTY OF SUSSEX, STATE OF NEW JERSEY CREATING CHAPTER 34 ENTITLED "YARD WASTE COLLECTION PROGRAM" AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**WHEREAS**, the New Jersey Department of Environmental Protection is requiring all New Jersey municipalities to adopt certain ordinances in order to comply with the Tier A Stormwater Requirements; and

**WHEREAS**, certain model ordinances were provided to the Borough by the Department for introduction and subsequent adoption; and

**WHEREAS**, the Borough Council of the Borough of Branchville believes the adoption of these ordinances is in the best interest of the Borough and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Branchville, County of Sussex, State of New Jersey, that Chapter 34 entitled "Yard Waste Collection Program" be created as follows:

**SECTION I.**

**§ 34-1. Purpose.**

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

**§ 34-2. 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.

**§ 34-3. 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.

**§ 34-4. Enforcement.**

This Ordinance shall be enforced by the New Jersey State Police and the Sussex County Health Department.

**§ 34-6. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).

**SECTION II. Repealer.**

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Branchville inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION III. Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

**SECTION IV. Effective Date.**

This Ordinance shall take effect upon final passage and publication as provided by law.

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Branchville held on \_\_\_\_\_, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on \_\_\_\_\_, 2023 at 7:00 p.m. or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 34 Wantage Avenue, Branchville, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

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Borough Clerk