

ORDINANCE NO. 2005-17

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 160 THEREOF, ENTITLED SOLID WASTE, BY ADDING NEW ARTICLES III YARD WASTE COLLECTION PROGRAM AND ARTICLE IV CONTAINERIZED YARD WASTE

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen as follows:

Section 1. The Code of the Borough of Metuchen is hereby amended by adding a new article, **Article III**, to Chapter 160 to be known as **Yard Waste Collection Program** as follows:

**Article III
Yard Waste Collection Program**

§160-11. Purpose:

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

§160-12. 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.

§160-13. 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 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.

§160-14. Enforcement:

The provisions of this ordinance shall be enforced by the Zoning Officer.

§160-15. 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 \$1,250.

Section 2. The Code of the Borough of Metuchen is hereby amended by adding a new article, **Article IV**, to Chapter 160 to be known as **Containerized Yard Waste** as follows:

Article IV Containerized Yard Waste

§160-19. Purpose:

An ordinance to establish requirements for the proper handling of yard waste in Borough of Metuchen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§160-20. 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.

§160-21. 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.

§160-22. Enforcement:

The provisions of this ordinance shall be enforced by the Zoning Officer of the Borough of Metuchen.

§160-23. 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 **\$1000**.

Section 3. 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 4. 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.

INTRODUCTION : October 3, 2005

SECOND READING: October 17, 2005

APPROVAL OR VETO: October 18, 2005

FINAL PUBLICATION: ~~October~~ 21, 2005

Certified copy of an ordinance adopted at a regular meeting of the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey, on

October 17, 2005

B. Lacina

Bozena Lacina, RMC
Borough Clerk