

ORDINANCE 977

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY", MANDATORY RECYCLING REGULATIONS

Section I. BE IT ORDAINED by the Board of Commissioners of the Borough of Deal in the County of Monmouth, State of New Jersey that Chapter XVII, Mandatory Recycling Regulations, of the Revised General Ordinances of the Borough of Deal, County of Monmouth, State of New Jersey, is hereby amended as follows:

17-4 Yard Waste

17-4.1 Purpose:

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

17-4.2 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 trees, branches, leaves, plants, grass clippings and similar vegetative material.

17-4.3 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, in the street. If yard waste 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.

17-4.4 Enforcement:

- a. This ordinance shall be enforced by the Deal Police Department and/or the Code Official of the Borough of Deal.

- b. Any person found to be in violation of this ordinance shall be ordered to remove all waste material from the street immediately.

17-4.5 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 as designated in Chapter V, Section 9 of this Code.

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.

Introduction: May 9, 2006 By Commissioner Dayan
Seconded by Commissioner O'Donnell
Roll Call: Ayes 3; Franco, O'Donnell & Dayan

Adoption: May 23, 2006 Motion By Commissioner Dayan
Second Commissioner O'Donnell
Roll Call: Ayes 3; Franco, O'Donnell & Dayan