

15-7 PROHIBITING THE DEPOSIT OF YARD WASTES INTO PUBLIC STREETS AND PROVIDING AN EXCEPTION FOR ROADS OWNED AND MAINTAINED BY UNION COUNTY

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15-7.1 Preamble

The Borough of Mountainside has been designated a Tier A municipality under the NJDEP's Stormwater Regulation Program and, therefore, as part of the Borough's NJPDES permit requirements for its stormwater system the Borough is required to implement certain best management practices through the passage of municipal ordinances including this ordinance on the proper disposal of yard waste. This section prohibits the deposit of yard waste including leaves on any State, County or municipal street within the Borough as requested by the NJDEP, however, the several County Roads within the Borough are owned and maintained by Union County and the County has advised that it will continue the collection of leaves deposited on the curbs of County Roads by local residents. Union County has jurisdiction over the County Roads it owns and maintains and, therefore, the Borough desires to provide an exception for leaves placed on County Roads until such time as the County may determine to discontinue this practice.

15-7.2 Purpose

This section is enacted to establish requirements for the proper handling of yard waste in the Borough of Mountainside, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

15-7.3 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 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 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.

County Road shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is owned and maintained by Union County, 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.

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 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.

Yard waste shall mean leaves and grass clippings.

15-7.4 Prohibited Conduct

- (a) 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 section.
- (b) Notwithstanding the above, for any property which fronts on a County Road, uncontainerized leaves from the property may be placed on the County Roads in front of the property for collection by Union County in accord with the rules and regulations established by the County for leaf collection purposes.

15-7.5 Enforcement

- (a) The provisions of this section shall be enforced by the Department of Public Works and Police Department of the Borough.
- (b) County Road leaf collection regulations shall be enforced by Union County.

15-7.6 Violations And Penalties

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine as provided for in N.J.S.A. 40:49-5.

Editor's Note: See Chapter I, Section 1-5 for a restatement of the provisions of N.J.S.A. 40:49-5