

	FIRST READING	SECOND READING
Introduced by:	Councilman Messler	Councilman Mirabelli
Seconded by:	Councilman Mortimer	Councilman Lane
Roll call vote:	Ayes: 5 Nays: 0	Ayes: 5 Nays: 0
Absent:	Councilman Schon	Councilman Schon
Date:	October 18, 2005	November 29, 2005

ORDINANCE 1100-2005

AN ORDINANCE AMENDING ORDINANCE 1100-05 WHICH PROHIBITS THE DEPOSIT OF YARD WASTES INTO PUBLIC STREETS AND PROVIDING AN EXCEPTION FOR ROADS OWNED AND MAINTAINED BY UNION COUNTY

WHEREAS, 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; and

WHEREAS, by Ordinance 1100-05 the Borough prohibited the deposit of yard waist 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; and

WHEREAS, Union County has jurisdiction over the County Roads it owns and maintains and, therefore, the Borough desires to amend Ordinance 1100-05 to provide an exception for leaves placed on County Roads until such time as the County may determine to discontinue this practice.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Mountainside, County of Union State of New Jersey that Ordinance 1100-05 shall be amended by deleting the language shown with a strike through and adding the language shown with an underline as follows:

SECTION I. Purpose:

An ordinance 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.

SECTION II. 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 storm water.

- 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.
- e. County Road - means 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.

SECTION III. 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 ordinance.

b. Notwithstanding the above, for any property which fronts on a County Road, un-containerized 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.

SECTION IV. Enforcement:

a. The provisions of this ordinance shall be enforced by Department of Public Works and Police Department of the Borough.

b. County Road leaf collection regulations shall be enforced by Union County.

SECTION V. Violations and Penalties:

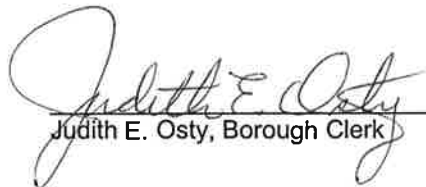
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine as provided for in N.J.S.A. 40: 49-5.


SECTION VI. 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 VII. Effective date:

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


 Judith E. Osty, Borough Clerk


 Robert F. Vigilanti, Mayor