

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 14-2005

ORDINANCE TO AMEND THE ORDINANCES
OF THE TOWNSHIP OF PEMBERTON, COUNTY
OF BURLINGTON, STATE OF NEW JERSEY
AND SPECIFICALLY BY ADDING CHAPTER 81
TO BE ENTITLED COLLECTION OF YARD WASTE

BE IT ORDAINED, by the Township of Pemberton, in the Township of Pemberton, County of Burlington and State of New Jersey, as follows:

SECTION I. INTRODUCTION.

WHEREAS, as a requirement of the Pemberton Township Municipal Stormwater General Permit, it is necessary to adopt and enforce a variety of Ordinances dealing with the proper disposal of specific waste; and

WHEREAS, one of those requirements is to adopt and enforce an Ordinance to establish a yard waste collection and disposal program; and

WHEREAS, Pemberton Township intends to amend this Ordinance to comply with any Pinelands Commission requirements, if and when made available.

NOW, THEREFORE, the Township Council of the Township of Pemberton hereby amends the Code of the Township of Pemberton by adding a new Chapter designated as Chapter 81 entitled "Collection of Yard Waste" as follows:

Section 81-1. Purpose.

This is an Ordinance to establish a yard waste collection and disposal program in the Township of Pemberton, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Section 81-2. 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.

Section 81-3. 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 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.

Section 81-4. Enforcement.

The provisions of this Ordinance shall be enforced by the Police Department and Code Enforcement Officer of Pemberton Township.

Section 81-5. Violations and Penalty.

Any person found to be in violation of this Ordinance shall be issued a written warning for a first offense. Second and subsequent offenses shall be subject to the penalties provided for in the general provisions of the Pemberton Township Code.

SECTION II.

All Ordinances, or parts of Ordinances, inconsistent with the provisions hereof, are repealed insofar as said inconsistency exists.

SECTION III.

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 IV.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

PEMBERTON TOWNSHIP COUNCIL

**TOWNSHIP OF PEMBERTON
NOTICE OF PUBLIC HEARING
ORDINANCE NO. 14-2005**

**ORDINANCE TO AMEND THE ORDINANCES
OF THE TOWNSHIP OF PEMBERTON, COUNTY
OF BURLINGTON, STATE OF NEW JERSEY
AND SPECIFICALLY BY ADDING CHAPTER 81
TO BE ENTITLED COLLECTION OF YARD WASTE**

Public notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on September 15, 2005, and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on October 6, 2005, at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, New Lisbon, New Jersey, at 7:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting of further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

MARY ANN YOUNG, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON
NOTICE OF FINAL PASSAGE
ORDINANCE NO. 14-2005**

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Notice is hereby given that Ordinance No. 14-2005 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on October 6, 2005. Said Ordinance shall take effect in accordance with law.

ATTEST:

MARY ANN YOUNG, CMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR _____

Robert McCullough

DATE _____

ATTEST:

MARY ANN YOUNG, CMC, TOWNSHIP CLERK