

NOTICE OF PENDING ORDINANCE
Ord. #06-04

This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on February 28, 2006. It will be further considered for final passage after public hearing thereon, at a regular Meeting of said Borough Council to be held in the Town Hall, on March 28, 2006, at 7:30 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Town Hall to the members of the general public who shall request the same.

IVANA MALEC
Borough Clerk

BOROUGH OF ORADELL

ORDINANCE NO. 06-04

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR THE PROPER HANDLING OF YARD WASTE AND AUTUMN LEAF WASTE IN THE BOROUGH OF ORADELL, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

SECTION I. 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 grass clippings and vegetative garden debris including leaves sticks and small branches.
- e. Autumn Leaf Waste – means leaves from deciduous trees and needles from coniferous species that fall to the ground during Autumn.
- f. Autumn Leaf Collection Season – means that period of time running from approximately mid October through mid December as specified in the Borough Calendar and/or newsletter.

SECTION II. Prohibited Conduct:

(A) Yard Waste

Any Person, whether 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) Autumn Leaf Waste

Any Person, whether 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 Autumn Leaf Waste in the Street during periods other than the Autumn Leaf Collection Season, unless the Autumn Leaf Waste is containerized.

Placement of such Autumn Leaf 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 Autumn Leaf 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. Autumn Leaf Waste that falls naturally into the Street or blows into the Street without human intervention is exempted.

Sweeping, raking, blowing or otherwise placing Autumn Leaf Waste that is not containerized at the curb or along the Street is only allowed during Autumn Leaf Collection Season and shall not be placed closer than 10 feet from any storm drain inlet.

SECTION III. Schedule:

The Autumn Leaf Collection pickup schedule shall be as designated in the Borough Calendar and/or Newsletter on an annual basis for the period mid October through mid December.

SECTION IV. Enforcement:

The provisions of this ordinance shall be enforced by the Property Maintenance Official and/or his designee.

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 follows:

First Offense	-	written warning
Second Offense	-	\$50.00
Third Offense	-	\$100.00
Fourth Offense	-	\$250.00

For the Fifth and each subsequent offense, there shall be a fine of \$500.00.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of the 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 be in full force and effect from and after its adoption and any publication as may be required by law.

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PENALTIES FOR THE FAILURE TO COMPLY**

Introduced: February 28, 2006

Passed 1st Reading: February 28, 2006

Public Hearing: March 28, 2006

Adopted: March 28, 2006

Approved: March 28, 2006

FREDERICK T. LaMONICA, MAYOR

ATTEST:

(SEAL)

IVANA MALEC, Borough Clerk

THIS IS TO CERTIFY that the foregoing ordinance was finally passed and adopted at the Regular Public Meeting of the Borough Council of the Borough of Oradell, New Jersey, on March 28, 2006.

IVANA MALEC, BOROUGH CLERK