

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 05-1357

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III, "LAW ENFORCEMENT REGULATIONS", OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
HOPEWELL TO ESTABLISH REQUIREMENTS FOR THE
PROPER HANDLING OF YARD WASTE**

WHEREAS, The U.S. Environmental Protection Agency (EPA) published the regulation entitled "National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges" (*Federal Register*, Volume 64, Number 235, pages 68722-68852) on December 8, 1999 as required by Section 402(p) of the Clean Water Act (CWA); and

WHEREAS, in February 2004 the New Jersey Department of Environmental Protection adopted new Stormwater Management Rules (N.J.A.C. 7:8) in fulfillment of its obligations under the USEPA Regulations; and

WHEREAS, Hopewell Township is designated as a Tier A Municipality under 7:8 and is obligated to implement certain ordinances required by the Tier A NJPDES Municipal Stormwater General Permit (NJ0141852) on or before October 2005; and

WHEREAS, the Hopewell Township Committee desires to meet its obligations under 7:8.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that a new Section 20 of Chapter III of the Revised General Ordinances, entitled "Containerized Yard Waste" be created as follows:

3-20.1 Purpose. The purpose of this section shall be to establish requirements for the proper handling of yard waste and grass clippings in the Township of Hopewell so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

3-20.2 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 and grass clippings in a trash can, bucket, biodegradable bag or by any other method of containment, so as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater runoff.
- 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 - shall mean leaves, brush, and landscape debris.

3-20.3 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 unless the yard waste is placed in accordance with the Yard Waste Collection Ordinance. If yard waste is not containerized and placed in the street in a manner inconsistent with the Yard Waste Collection Ordinance, 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.

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 grass clippings in the street. If grass clippings are not containerized and placed in the street, the party responsible for placement of grass clippings must remove the grass clippings from the street or said party shall be deemed in violation of this ordinance.

3-20.4 Violations and Penalties. Any person found to be in violation of the provisions of this ordinance shall be subject to the penalty provisions set forth at Section 3-1 of this Chapter, except that no person found to be in violation of the provisions of this ordinance shall be subject to imprisonment.

3-20.5 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.

This section shall take effect upon final adoption and publication in accordance with law.


Date Introduced: September 26, 2005
Date Advertised: September 29, 2005
Date Adopted: October 11, 2005



Arlene A. Kemp
Mayor

Attest:


Annette C. Bielawski
Municipal Clerk

CERTIFICATION
I HEREBY CERTIFY THE FOREGOING TO BE
A TRUE COPY OF AN ORDINANCE ADOPTED
BY THE HOPEWELL TOWNSHIP COMMITTEE
AT A MEETING HELD
October 11, 2005
DATE

ANNETTE C. BIELAWSKI, MUNICIPAL CLERK