

TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY

ORDINANCE NO. 11-1538

AN ORDINANCE SUPPLEMENTING
THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF HOPEWELL
TO ESTABLISH REGISTRATION OF LANDSCAPERS

WHEREAS, The U.S. Environmental Protection Agency (USEPA) 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); and

WHEREAS, Hopewell Township's Tier A permit includes an obligation for public education regarding best practices for handling yard waste and for enforcement of yard waste ordinances; and

WHEREAS, many lot owners contract for landscape services and in order to create a uniform method to educate all lot owners and contract landscapers with regard to best practices for handling yard waste and the laws of Hopewell Township as they relate to yard waste and other landscape practices as may be promulgated from time to time, Hopewell Township does hereby create a Landscaper Registration ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that The Revised General Ordinances of the Township of Hopewell be supplemented as follows:

Section I.

Chapter IV of the Revised General Ordinances of the Township of Hopewell shall be supplemented with the addition of Section 13 entitled "General Licensing" as follows:

4-13 LANDSCAPER REGISTRATION

§4-13.1 Purpose

The purpose of this chapter, requiring landscaper registration, is to ensure that persons engaged in landscaping for hire in the Township are cognizant of the Township's regulations concerning yard waste. Nothing in this chapter shall relieve any owner, lessee or tenant of his or her responsibility to comply with the requirements of the Township's yard waste program set forth herein.

§4-13.2 Definitions

As used in this chapter the following words and phrases shall have the following meaning, unless otherwise noted:

- a. *For hire* shall mean to demand and/or accept payment or compensation for completion of services.
- b. *Hedges, trees and shrubs* shall have the same meaning as yard waste as set forth in Section 3-20 of this code.
- c. *Landscape and landscaping* shall mean to be in the business, occupation or trade of adorning or improving any property or portion of property by trimming or cutting grass or shrubs; by planting, installing or removing leaves, branches, logs, grass, flowers, mulch, hedges or shrubs; or by planting or installing trees. As used in this chapter, *landscape* and *landscaping* shall also refer to solicitation of the above-referenced services.
- d. *Person* shall mean any individual or entity whose existence is recognized by law, including, but not limited to, any partnership, corporation (for-profit, nonprofit, or municipal and its agencies), firm, association, or any combination of the foregoing.

§4-13.3 Registration

No person shall landscape or engage in any landscaping on any public or private property within the Township, for hire, without first completing an application to register with the superintendent of public works.

- a. At the time of registration, applicants shall sign an acknowledgment that they have received a copy of and will comply with the provisions of the Township's ordinance regulating its yard waste program.
- b. Every registration shall be issued and renewed on an annual basis, effective March 1 of each year, upon payment of an annual fee to the Township in the amount set forth in Chapter 10 of the revised general ordinances of Hopewell Township.
- c. No registration shall be required of any owner, lessee or tenant of real property who shall personally perform activities otherwise requiring a registration; except that all such work must otherwise comply with the Township's ordinance.

§4-14.4 Suspension or Revocation of Registration

- a. The Township Committee may, upon recommendation of the Township Engineer or Township Public Works Director or any designee, after notice and an opportunity for a hearing, suspend or revoke any registration for violation of law or related Township ordinances, or for good cause, which is shown to be detrimental to the public health, safety or welfare. When the Township Engineer or Township Public Works Director or any designee, has reasonable cause or belief that an emergency affecting the public health, safety or welfare so requires, said official may temporarily suspend any registration for a period not to exceed two weeks or until the Township Committee can be convened to consider said suspension.

- b. The Township makes no guarantee or representation regarding the fitness, knowledge or qualification of any person that is registered by the Township to engage in landscaping for hire.

4-13.5 Off-site disposal and composting encouraged

Persons registered are encouraged, but not required, to either compost yard waste themselves in accordance with applicable laws, or bring yard waste to an ecological facility (Facility) that may be designated by the Township for disposal. At the time of taking yard waste to a specific Facility for disposal, such persons shall provide their name and registration number, along with the resident's name, address and signature, to the Facility on forms for such purpose available in the office of the superintendent of public works.

4-13.6 Exemption of home improvement contractors; additional exemptions

- a. Home improvement contractors registered pursuant to N.J.A.C. 13:45-17.1 et seq. on or after December 31, 2005, shall not be required to register with the Township as set forth in this chapter.
- b. Persons who are specifically exempt from the registration requirements of N.J.A.C. 13:45A-17.1 et seq. under N.J.A.C. 13:45A-17.4 on or after December 31, 2005, shall not be required to register with the Township as set forth in this chapter.

4-13.7 Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalty provisions set forth in Chapter III Law Enforcement Regulations of the Revised General Ordinances of the Township of Hopewell, except that no person found to be in violation of the provisions of this section shall be subject to imprisonment.

BE IT FURTHER ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that

Section II.

The Revised General Ordinances of the Township of Hopewell, Chapter X entitled "Fees and Permits", Section 15 entitled "Public Works" shall be supplemented as follows:

- e. Landscaper Registration Fee.....\$25.00/annually

Section III.

Severability. The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section IV.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

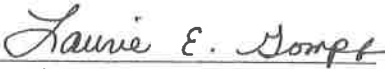
Section V.

Effective Date. This Ordinance shall take effect upon its passage and publication. Appropriate signage shall be installed as necessary.

Date Introduced: November 28, 2011
Date Advertised: December 1, 2011
Date Adopted: December 12, 2011


James Burd
Mayor

Attest:


Laurie E. Gompf
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

December 12, 2011
DATE

Maria Faria, Deputy Municipal Clerk For
LAURIE E. GOMPf, MUNICIPAL CLERK