

ORDINANCE NO. 11- 2020

AN ORDINANCE PROVIDING FOR THE PARTIAL AMENDMENT OF CHAPTER 17A, "RECYCLING," OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972" WITH THE ADDITION OF A NEW ARTICLE TWO ENTITLED "YARD WASTE COLLECTION PROGRAM," AND A NEW ARTICLE THREE ENTITLED "CONTAINERIZED YARD WASTE."

WHEREAS, the Borough Council is desirous of amending Chapter 17A, Recycling, in the "Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972" ("Revised Ordinances") to implement regulations required by the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Chapter 17A, Recycling, of the aforesaid Revised Ordinances is hereby amended, supplemented and revised with the addition of a new Article 2, entitled "Yard Waste Collection Program" which shall read in its entirety as follows:

Article 2. Yard Waste Collection Program.

17A-10. Purpose.

The purpose of this Article is to establish a yard waste collection program in the Borough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

17A-11. Definitions.

For purposes of this Article 2, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article 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 – means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. This definition includes the owners/contractors of lawn care or landscaping services, including their employees, performing lawn care and maintenance services on behalf of the owner or occupant of any property located within the Borough of Morris Plains.

(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 brush and leaves only. This definition does not include grass clippings.

17A-12. 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 ten (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 Article. 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 Article.

17A-13. Enforcement.

The provisions of this Article shall be enforced by the Borough's Recycling Coordinator, Morris Plains Police Department, Morris Plains Board of Health, Morris Plains Code Enforcement Official, Morris County Office of Health Management and other agents as may be designated by the Borough.

17A-14. Violations and Penalties.

Any person convicted of violation the provisions of this Article shall be subject to one or more of the following penalties: a fine not exceeding \$2,000; imprisonment up to 90 days; or a period of community service not exceeding 90 days. Each and every day a violation occurs or continues shall be deemed a separate and distinct violation.

Section 2:

Chapter 17A, Recycling, of the aforesaid Revised Ordinances is hereby further amended, supplemented and revised with the addition of a new Article 3, entitled "Containerized Yard Waste" which shall read in its entirety as follows:

Article 3. Containerized Yard Waste.

17A-15. Purpose.

The purpose of this Article is to establish requirements for the proper handling of yard waste in the Borough so as to protect public health, safety and welfare, and to prescribe penalties for

the failure to comply.

17A-16. Definitions.

For purposes of this Article 3, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article 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 – means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. This definition includes the owners/contractors of lawn care or landscaping services, including their employees, performing lawn care and maintenance services on behalf of the owner or occupant of any property located within the Borough of Morris Plains.

(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 only. This definition does not include brush or leaves.

17A-17. 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, 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 Article.

17A-13. Enforcement.

The provisions of this Article shall be enforced by the Borough's Recycling Coordinator, Morris Plains Police Department, Morris Plains Board of Health, Morris Plains Code Enforcement Official, Morris County Office of Health Management and other agents as may be designated by the Borough.

17A-14. Violations and Penalties.

Any person convicted of violation the provisions of this Article shall be subject to one or more of the following penalties: a fine not exceeding \$2,000; imprisonment up to 90 days; or a period of community service not exceeding 90 days. Each and every day a violation occurs or continues shall be deemed a separate and distinct violation.

Section 3:

All other provisions of the aforesaid Chapter 17A of the Revised Ordinances shall be unaffected and are hereby continued.

Section 4:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinances.

Section 6:

This Ordinance shall take effect after final passage and publication in accordance with law.

Introduced: November 12, 2020

Adopted: December 3, 2020

/s/ Jason Karr