**ORDINANCE 2023-17**

*Township of New Hanover*

*County of Burlington*

*State of New Jersey*

**ORDINANCE ESTABLISHING REQUIREMENTS CONTAINERIZED YARD WASTE**

**WHEREAS,** the New Jersey Department of Environmental Protection adopted amendments to the New Jersey Stormwater Management Rules, N.J.A.C. 7:8 which, in part recommends the adoption at the municipal level of certain measures as part of a comprehensive stormwater management plan, including those contained herein; and

**BE IT ORDAINED** by the Township Committee of the Township of New Hanover in the County of Burlington, State of New Jersey, that:

**SECTION I. Purpose:**

An ordinance to establish requirements for the proper handling of yard waste in **Township of New Hanover,** so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. 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 III. 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 ordinance.

**SECTION IV. Enforcement:**

The provisions of this ordinance shall be enforced by **Police Department and/or other Municipal Officials** of **Township of New Hanover.**

**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 not to exceed **$500.00**

**SECTION VI. 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.

**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.

Introduction: July 11, 2023
Date of Publication: July 16, 2023

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| COUNCILMEMBER | YES | NO | NV | AB | COUNCILMEMBER | YES | NO | NV | AB |
| KOSHAK | **X** |  |  |  | SMITH | **X** |  |  |  |
| PAWLYZYN | **X** |  |  |  | PETERLA |  |  |  | **X** |
| MURPHY | **X** |  |  |  |  |  |  |  |  |
| MOTION | **SMITH** | SECOND | **MURPHY** |
| X – INDICATES VOTE AB- ABSENT NV- NOT VOTING |

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Township Committee of

the Township of New Hanover, Burlington County, New Jersey at a regular meeting held on July 11, 2023.

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Susan D. Jackson, RMC

Borough Clerk

Adopted: August 8, 2023

Date of Publication: August 13, 2023

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| COUNCILMEMBER | YES | NO | NV | AB | COUNCILMEMBER | YES | NO | NV | AB |
| KOSHAK | **X** |  |  |  | SMITH | **X** |  |  |  |
| PAWLYZYN | **X** |  |  |  | PETERLA | **X** |  |  |  |
| MURPHY | **X** |  |  |  |  |  |  |  |  |
| MOTION | **MURPHY** | SECOND | **SMITH** |
| X – INDICATES VOTE AB- ABSENT NV- NOT VOTING |

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Committee of the

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Susan D. Jackson, RMC

Borough Clerk

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Susan Jackson, RMC Paul Peterla

Township Clerk MAYOR