

ORDINANCE NO. 05-38

AN ORDINANCE AMENDING SECTIONS OF CHAPTER XIX, SOLID WASTE MANAGEMENT, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY TO REGULATE THE HANDLING OF YARD WASTE

WHEREAS, pursuant to *N.J.A.C. 7:8-4.1*, et seq., a municipality shall adopt a storm water management plan and storm water control ordinances consistent with the state regulations; and

WHEREAS, the State regulations address several areas of concern, including proper handling of yard waste so as to protect public health, safety and welfare; and

WHEREAS, the Council of the Township of Rockaway desires to adopt an ordinance to amend and supplement sections of the existing Code to address the handling of yard waste.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Rockaway, County of Morris, State of New Jersey, as follows:

SECTION ONE. Subsection 19-1.2, Definitions, Chapter XIX, Solid Waste Management, of the Revised General Ordinances of the Township of Rockaway, shall be supplemented or amended to add or revise the following definitions to be inserted alphabetically:

Containerized shall mean 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.

Person shall mean any individual, corporation, company, partnership, firm, associations, or political subdivision of this State subject to municipal jurisdiction.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way, which is an existing State, county or municipal roadway, and includes the land within the right-of-way, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other area within the right-of-way.

SECTION TWO. Paragraph d, Yard Waste, of Subsection 19-1.4, Township Curbside Collection Procedure and Requirements for Residential Single Family and Specific Condominium/Townhouses, Chapter XIX, Solid Waste Management, of the Revised General Ordinances of the Township of Rockaway, shall be amended to read as follows:

- d. *Yard Waste.* The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide law care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste in containerized, in the street. If yard waste that is not containerized is place 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 paragraph.

SECTION THREE. All Ordinances of the Township of Rockaway that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

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

SECTION FIVE. This Ordinance shall take effect as provided by law.

CERTIFICATION

I, Mary C. Cilurso, Township Clerk, Township of Rockaway County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Rockaway Township Council held on October 5, 2005 and adopted by the Governing Body at a regular meeting of the Township held on October 25, 2005.

Approved By:



Louis S. Sceusi
Mayor


Mary C. Cilurso, Township Clerk