

ORDINANCE #2020-06

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 420 ;
YARD WASTE COLLECTION PROGRAM

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 420 ; YARD WASTE COLLECTION PROGRAM

SECTION 1. Purpose: An ordinance to establish a yard waste collection and disposal program in The Township of Lower , so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 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 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 3 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 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 ordinance. 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 ordinance.

SECTION 4. Enforcement: The provisions of this ordinance shall be enforced by the Public Works Department; Code Enforcement; Police Department

SECTION 6. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$100 or imprisonment for a period not exceeding 90 days, or both.

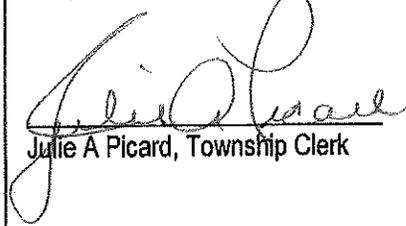
SECTION 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

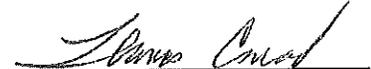
SECTION 8 . All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

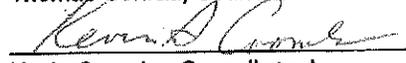
Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

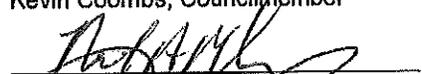
Introduced: February 12, 2020

Adopted: March 16, 2020


Julie A Picard, Township Clerk


Thomas Conrad, Councilmember


Kevin Coombs, Councilmember


Roland Roy, Councilmember


David Perry, Deputy Mayor


Frank Sippel, Mayor