

ORDINANCE NO. 324

AN ORDINANCE TO ESTABLISH A YARD WASTE COLLECTION AND DISPOSAL PROGRAM IN THE VILLAGE OF LOCH ARBOUR, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

BE IT ORDAINED by the Board of Trustees of the Village of Loch Arbour as follows:

SECTION I. Purpose:

An ordinance to establish a yard waste collection and disposal program in the Village of Loch Arbour, 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. 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 IV. Enforcement:

This Ordinance shall be enforced by the Police Department pursuant to the current Interlocal Services Agreement or the Zoning Official of the Village of Loch Arbour.

SECTION VI. Penalties:

For a violation of any provision of this Ordinance, the maximum penalty, upon conviction thereof, shall be a fine not exceeding One Thousand Two Hundred Fifty (\$1,250.00) or imprisonment for up to ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof. Each and every day in which a violation of this Ordinance shall exist shall constitute a separate violation.

SECTION VI. Severability:

A. 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.

B. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect immediately upon its final passage and publication as required by law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, Monmouth County after a public hearing thereon held the 5th day of April 2006 .

LORRAINE CARAFA, R.M.C.
Village Clerk

Introduction: March 1, 2006
First publication: March 9, 2006
Public hearing: April 5, 2006

Adoption: April 5, 2006
Final publication: April 13, 2006
Attorney: Kenneth B. Fitzsimmons, Esq.