

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2024-02**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN, COUNTY OF  
MONMOUTH, AMENDING CHAPTER 16: "SOLID WASTE MANAGEMENT" OF THE  
BOROUGH'S REVISED GENERAL ORDINANCES TO UPDATE THE REGULATIONS FOR BRUSH  
AND LEAF COLLECTION IN THE BOROUGH**

**WHEREAS**, the Mayor and Council of the Borough of Fair Haven (the "Borough") consider the preservation and protection of public property and public health, safety, and welfare to be a significant and important priority for the Borough and the welfare of its residents; and

**WHEREAS**, the Mayor and Council find it to be in the best interests of the Borough residents to implement certain measures to keep the Borough's streets, roads, sidewalks, bike paths and public rights-of-way free from debris for the safe passage of vehicles, including emergency vehicles, pedestrians and bicycles; and

**WHEREAS**, the Borough's Administrator, Brush and Leaf Committee, Director of Public Works, Director of Communications, and Code Enforcement Officer have recommended certain changes to the regulations for brush and leaf collection within the Borough; and

**WHEREAS**, the Borough seeks to assist residents in the disposal and removal of brush and leaves in an organized and orderly fashion.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey as follows:

**SECTION 1.** Section 16-5 entitled "Collection of Brush and Leaves" of Chapter 16 entitled "Solid Waste Management" of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken text deleted~~; underlined text added):

**CHAPTER 16  
SOLID WASTE MANAGEMENT**

\* \* \*

**§ 16.5           COLLECTION OF BRUSH AND LEAVES**

**§ 16-5.1       ~~Regular Pickup of Brush and Leaves; Grass Clippings; Rakings and Plantings~~  
Placement Prohibited. Introduction.**

- a. ~~Placement of Brush and Leaves. Residents shall place brush and leaves at the outside edge of pavement or delineated travel lanes for collection only during the days and times as may be designated by the Borough Council and/or published in the Leaf and Brush Collection Schedule. Brush and leaves shall be placed separately in the street adjacent to the curb and abutting the party's property. Brush and leaves shall not be placed in plastic bags or other types of containers, except for properties on River Road. Piles of brush or leaves shall not obstruct pedestrian, bicycle or vehicular travel lanes.~~

The Brush and Leaf Collection process is designed to keep Borough streets clean and safe, reduce the amount of debris that ends up in our storm water system (storm drains, and ultimately the river) in complementation of Chapter 23 Stormwater Management and Municipal Storm Sewers, and to optimize the use of Department of Public Works resources.

- b. ~~Grass Clippings, Rakings and Plantings; Placement Prohibited. Grass clippings, rakings and plantings shall not be placed, raked, blown or otherwise caused to be disposed upon the Borough streets or curbs. They shall not be picked up by the Borough.~~

Fair Haven Residents shall be permitted to dispose of brush and leaves in accordance with the requirements set forth in this section.

- c. ~~Brush and Leaf Violations: (Fines restated at 2-56.1, Fee Schedule.)~~

~~First offense: Warning~~

~~Second offense: \$100~~

~~Third or more offenses: Court appearance required~~

### **§ 16-5.2 Intent and Purpose.**

- a. The intent of this section is to simplify and streamline the Borough of Fair Haven's brush and leaf collection process.
- b. The intent of this section is to implement solutions to improve the brush and leaf removal process in a convenient, safe, and budget neutral manner, while attempting to standardize the process and increase services.
- c. The purpose of this section shall be to regulate the disposal and curbside collection activities of residents within the Borough of Fair Haven by limiting the times and placement of leaves and brush that may be disposed of curbside throughout the year.

### **§ 16-5.3 Definitions.**

#### **ACTS OF NATURE**

An incident that occurs due to natural causes that could not have been foreseen or prevented by foresight (i.e., a named storm).

#### **BRUSH**

Tree limbs, branches, or twigs less than three (3) inches in diameter and no longer than four (4) feet in length. Brush shall not include yard waste.

#### **BRUSH CAN**

The Borough-approved container in which a resident is responsible to procure and maintain to prevent brush from spilling or blowing out into the street and coming into contact with stormwater.

#### **COMMERCIAL LANDSCAPER**

Any person or entity, for hire, whose business involves trimming, pruning, cutting, removing or maintaining shrubs, bushes and trees, or raking or blowing leaves.

#### **CONTAINERIZED**

The placement of brush in a Borough-approved container such as to prevent brush from spilling or blowing out into the street and coming into contact with stormwater.

#### **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

## **RESIDENT**

A person who is an owner, lessee, tenant, mortgagee or occupant, and that person's agents and/or assigns, or caretaker of any property within the Borough.

## **STREET**

Any street, avenue, boulevard, road, parkway, viaduct, drive, bike path, 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.

## **TREE SERVICE COMPANY**

The same as "Commercial Landscaper."

## **VEGETATIVE WASTE**

The same as "Yard Waste."

## **YARD WASTE**

Grass clippings, leafy clippings from hedges and non-woody garden waste, annual plants, weeds, dead flowers, shrub clippings, dirt and sand. Yard Waste and Vegetative Waste shall be used interchangeably throughout this section and are assumed to be synonymous.

### **§ 16-5.4 Division of Borough into Zones for Collection.**

- a. For purpose of collecting brush and leaf materials, the Borough is divided into four (4) zones. Please refer to the zone map which is on file at Borough Hall and can also be found on the Borough website.
- b. The Mayor and Council shall determine a Leaf and Brush Collection Schedule for each zone on an annual basis and may amend said schedule as necessary.
- c. Pursuant to the applicable zone, residents shall place brush and leaves for pick up only during the designated days and times for the zone as published in the Leaf and Brush Collection Schedule and/or may be designated by the Borough Council.

### **§ 16-5.5 "Brush Can" for Containerized Pick Up.**

- a. Residents are encouraged to participate in the containerized pick up of brush by utilizing a Borough-approved "Brush Can."
- b. A Brush Can is a receptacle that meets the following specifications:
  - i. Shall be **gray** in color, and not spray painted.
  - ii. Shall not exceed a 32-gallon capacity.
  - iii. Shall be round in shape.
  - iv. Shall be made of plastic material.
- c. Residents can visit the Borough's website to find more information on how to purchase a pre-approved Brush Can.
- d. Brush cans are **only** used for brush pick up and shall not be utilized for the pickup of leaves.

### **§ 16-5.6 Collection Schedule and Requirements.**

- a. **Spring and Fall Clean-Up - Brush and Leaves.**

- i. The Borough will collect brush and leaves during the same pick-up cycle in the spring and fall of each year in accordance with the Leaf and Brush Collection Schedule and at such other times that may be deemed necessary by the Borough, such as after major acts of nature.
  - ii. Brush can be containerized or not containerized in accordance with subsection 16-5.7 of this section.
  - iii. Residents may place their Brush and Leaves out for collection no earlier than ten (10) days prior to their zone's pick-up time in accordance with the Leaf and Brush Collection Schedule.
- b. **Brush-Only Pick-Up.**
- i. The Borough will collect brush from each zone twice per month between May and September in accordance with the Leaf and Brush Collection Schedule.
  - ii. For Brush-Only Pick-Up, Brush must be containerized in a Borough approved Brush Can for pick up in accordance with subsections 16-5.5 and 16-5.7a.
  - iii. Brush Cans shall not be set out for collection more than one (1) day prior to the scheduled pick up date for the zone.
  - iv. No leaves, vegetative waste or yard waste shall be placed in the Brush Can during Brush-Only Pick-Up.
- c. **Leaves-Only Pick-Up.**
- i. The Borough will collect leaves in November and December on a rolling basis.
  - ii. Leaves must be free of any yard waste, vegetative waste, sticks, branches, tree parts, rocks, vines, or other foreign materials.
  - iii. Residents shall not mix or otherwise place potted plants or root systems with leaves.
  - iv. Residents may place leaves for collection at any time during this period.

**§ 16-5.7 Placement Requirements.**

a. **Containerized Brush.**

- i. To qualify for pickup, containerized brush shall be left out for collection in a Borough approved container ("Brush Can").
- ii. Only brush shall be placed in the Brush Can. Leaves or any other yard or vegetative waste shall not be placed in the Brush Can.
- iii. Residents shall place the Brush Can near the curb line or roadway so as to be easily collected from the roadway; but not so near the curb or roadway as to project therein or to interfere with vehicles lawfully using the street.
- iv. Residents shall not place the Brush Can on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten (10) feet of any storm sewer inlet or fire hydrant.

- v. Brush shall be no larger than three inches (3") in diameter and no longer than four feet (4') in length.
- vi. Brush Containers shall not be stored or placed within front yard area prior to the time at which such containers are permitted to be placed at the curbline for collection. Brush Containers may be stored in either rear or side areas, but if stored in side areas, they shall be screened from the view of street areas with planting or fencing.

b. **Loose Brush or Leaves.**

- i. Brush and leaves left out for collection together shall be placed in separate untied bundles or piles and left for collection by placing the bundle(s) or pile(s) on the beginning of the roadway and extending no more than three feet (3') from the curb or if there is no curb, no more than three feet (3') from where the roadway begins.
- ii. Brush shall be placed in separate untied bundles and left for collection by placing the bundle(s) on the beginning of the roadway and extending no more than three feet (3') from the curb or if there is no curb, no more than three feet (3') from where the roadway begins. Brush shall be in placed in separate pile(s) from leaves.
- iii. Leaves shall be placed in piles and left for collection by placing the pile(s) on the beginning of the roadway and extending no more than three feet (3') from the curb or if there is no curb, no more than three feet (3') from where the roadway begins. Leaves shall be in placed in separate pile(s) from brush.
- iv. Residents shall not place brush or leaves on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten feet (10') of any storm sewer inlet or fire hydrant.
- v. Brush shall be no larger than three inches (3") in diameter and no longer than four feet (4') in length.

**§ 16-5.8 Prohibited Conduct.**

- a. For **Brush-Only Pick-Up**, residents shall not place brush in any container or receptacle that does not meet the specifications of subsection **16-5.5**.
- b. Residents shall not place brush and/or leaves in plastic or paper bags.
- c. Residents shall not combine leaves with brush when utilizing a Brush Can for any scheduled pick up.
- d. Residents shall not sweep, rake, blow or otherwise place yard waste in the street or place in a Brush Can.
- e. Brush Containers shall not be stored or placed within front yard area prior to the time at which such containers are permitted to be placed at the curbline for collection. Brush Containers may be stored in either rear or side areas, but if stored in side areas, they shall be screened from the view of street areas with planting or fencing.

**§ 16-5.9 Responsibility of Residents; Applicability to Commercial Landscapers.**

- a. The resident is responsible for the brush and leaves that have been placed at the front yard curb, or edge of the street by commercial landscapers or contractors they have hired. No commercial or residential lawn care contractor shall operate in violation of this ordinance and the resident shall be responsible for any such violation of this section by his, her or their commercial landscaper and/or contractor.
- b. Any commercial landscaper planning to work on any property within the Borough where brush or leaves will be generated, collected, or disposed shall first register with the Municipal Clerk in accordance with Chapter 4, Section 4-10.
- c. Both the commercial landscaper and the resident hiring such contractor shall be subject to penalty under this section for the improper placement of brush and/or leaves.

**§ 16-5.10**      **Responsibility of the Borough.**

The Borough will not be responsible for collecting brush and/or leaves left within any public right-of-way or on any private property if not placed in accordance with the requirements of this Chapter.

**§ 16-5.11**      **Enforcement.**

The provisions of this section shall be enforced by the Police Department, Code Enforcement Officer and/or Department of Public Works of the Borough of Fair Haven.

**§ 16-5.12**      **One-Time Notice and Time to Cure.**

- a. The Police Department, Code Enforcement Officer and/or Department of Public Works shall from time to time make inspections to ensure compliance.
- b. If any such department finds any violations of this Chapter, or if any such violation is reported by a Borough officer or employee, and such violation is deemed to be a first-time violation, a written notice shall be served upon the resident who shall remove and/or correct the violation(s) with ten (10) calendar days.
- c. Notice shall be served by way of hand delivery or by certified mail to the resident at the address on the tax records of the Borough, and the ten-day (10) period shall begin on the date the notice is hand delivered, or two (2) days after the certified mailing, whichever is earlier.
- d. Any resident who fails to remove and/or correct the violation(s) within the ten-day (10) period shall be subject to the penalties and fines contained in subsection 16-5.13.
- e. Residents shall not receive written notice or time to cure for all subsequent violations of this section.

**§ 16-5.13**      **Violations and Penalties.**

Any resident found to be in violation of the provisions of this section shall, upon conviction thereof, be summonsed as follows:

- a. For the first offense, a fine of \$200.
- b. For the second offense, a fine of \$300 and a mandatory court appearance.
- c. For the third offense and any subsequent offenses thereafter, a fine of \$500 and a mandatory court appearance.

**SECTION 2.** Section 16-7 entitled “Collection Restrictions” of Chapter 16 entitled “Solid Waste Management” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**CHAPTER 16  
SOLID WASTE MANAGEMENT**

\* \* \*

**§ 16.7 COLLECTION RESTRICTIONS**

**§ 16-7.1 Prohibited Materials.**

Notwithstanding trash and recyclables as described in subsection **16.1.2**, the following items are prohibited from being placed for trash, recycling, and scheduled bulk collection, or included in bulk drop and recycling off at the Department of Public Works facility.

- a. Demolition and construction materials, including but not limited to building fixtures, bulk roof shingles, doors and windows, dimensional framing lumber, bulk or sheets of plywood, paneling, plasterboard, sheetrock, etc.
- b. ~~Tree trimmings, tree stumps, brush, leaves and g~~ Grass clippings.
- c. Wood pallets.

\* \* \*

**SECTION 3.** If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.


**SECTION 4.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 5.** This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Introduced: 02/26/2024

Adopted: 03/11/2024

Attest:

  
Allyson M. Cinquegrana, RMC  
Borough Clerk

Approve:

  
Joshua Halpern  
Mayor