

# ORDINANCE

No. 24-034  
Date to Mayor MAY 14 2024  
Date Returned \_\_\_\_\_  
Date Resubmitted to Council \_\_\_\_\_

APR 18 2024  
1<sup>st</sup> Reading \_\_\_\_\_  
Public Hearing \_\_\_\_\_ MAY 09 2024  
2<sup>nd</sup> Reading & Passage \_\_\_\_\_ MAY 09 2024  
Withdrawn \_\_\_\_\_ Lost \_\_\_\_\_

Approved as to Form and Legality

Factual content certified by

WES BRIDGES, ESQ., CITY ATTORNEY

SEAN SEMPLE, DIRECTOR OF WATER & SEWER DEPT.

Councilman /woman \_\_\_\_\_ presents the following Ordinance:

## AN ORDINANCE OF THE CITY OF TRENTON TO ADOPT NJDEP'S MODEL ORDINANCE REGARDING YARD WASTE AND TO AMEND CHAPTERS 312 AND 248 OF THE CODE OF THE CITY OF TRENTON

WHEREAS, the City of Trenton, as a Tier A municipality with respect to Stormwater Quality Management, is required by the New Jersey Department of Environmental Protection ("NJDEP") to periodically adopt certain model ordinances; and

WHEREAS, the City is required to adopt NJDEP's model ordinance regarding yard waste; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Trenton, in the County of Mercer, as follows:

Section 1. Chapter 312 ("Yard Waste") of the Code of the City of Trenton shall be amended as follows (deletions are ~~struck through~~ and additions are underlined):

### § 312-1 Purpose.

The purpose of this chapter is to establish requirements for the proper handling of yard waste in the City of Trenton, so as to protect the environment, public health, safety and welfare, and to prescribe penalties for the failure to comply.

### § 312-2 Definitions and word usage.

For the purpose of this chapter, 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. The word "shall" is always mandatory and not merely directory.

#### CONTAINERIZED

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 contaminating stormwater. ~~coming into contact with stormwater.~~

#### PERSON

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

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## STREET

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.

## YARD WASTE

Loose leaves and grass clippings.

### § 312-3 Regulated Activities Prohibited conduct; exceptions.

A. No person shall sweep, rake, blow, or otherwise place yard waste into the street unless it is for a scheduled collection. 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 chapter.

B. For non-containerized (loose) yard waste collection: Placement of loose yard waste must be at least 10 feet away from any storm drain inlet and no sooner than 7 days prior to a scheduled and announced collection. Exceptions. Areas scheduled for leaf collection through the Leaf Collection Program are exempt from the containerized yard waste ordinance, provided that the noncontainerized yard waste placed at the curb or along the street is more than 10 feet away from any storm drain inlet. Additionally, noncontainerized yard waste cannot be placed at the curb or along the street at any time prior to the scheduled pick up date, except as described in the Leaf Collection Program.

C. For containerized yard waste collection: Yard waste shall be placed in an appropriate container at the curb or along the street for collection.

D. For information on the procedure for leaf collection for residential premises, see Section 248-18 of this Code.

Placement of such yard waste on 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 person responsible for placement of the yard waste shall be in violation of this ordinance and must remove the yard waste immediately. There are no exemptions.

### § 312-4 Enforcement.

This chapter shall be enforced by the City of Trenton Police Department.

### § 312-5 Violations and penalties.

Any person who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed \$2,000, as stated in Chapter 1, Article III, General Penalty, § 1-17.

**Section 2.** Chapter 248 (“Solid Waste”), Article II (“Recycling”), Section 248-18 of the Code of the City of Trenton shall be amended as follows (deletions are ~~struck through~~ and deletions are underlined):

### § 248-18 Leaf collection system for residential premises.

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A. All residents, including residents of multifamily complexes, shall source-separate leaves from solid waste generated at those premises, and, unless such leaves are stored for recycling, composting or mulching by the generator, shall place the leaves for collection in the manner provided below.

B. The Director of the Department of Public Works shall collect leaves generated from residential premises from September 1 to December 31 of each year. The Director of the Department of Public Works shall dispose of all leaves so collected in a manner consistent with the recycling plan.

C. For information on yard waste collection generally, see Chapter 312 of this Code.

**Section 3. Repealer.** Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Trenton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**Section 4. Severability.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**Section 5. Effective date.** This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

INTRODUCTION:	MOTION: <i>Feliciano</i>		SECOND: <i>Harrison</i>				ORD. AUTHORED BY:	ADOPTION				MOTION: <i>Fristaj</i>		SECOND: <i>Edwards</i>																								
	INTRODUCTION				ADOPTION				INTRODUCTION				ADOPTION																									
	AYE	NAY	NV	AB	AYE	NAY		NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB																	
EDWARDS	✓				✓				GONZALEZ	✓				✓				FELICIANO	✓				✓															
IGUEROA LETENBURG	✓				✓				HARRISON	✓				✓																								
RISBY	✓				✓				WILLIAMS	✓				✓																								

IV - NO VOTE                      AB - ABSENT

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on APR 18 2024

Adopted on second reading after the public hearing on MAY 09 2024

*[Signature]*  
 AYE  
 Mayor  
 NAY

APPROVED  
 REJECTED

Reconsidered by Council – Override Vote

*[Signature]*  
 President of Council

*[Signature]*  
 City Clerk