

## **HILLSBOROUGH TOWNSHIP**

### **ORDINANCE NO.2005-42**

**An Ordinance amending Chapter 309, Titled “Garbage, Rubbish and Refuse”, of the code of the Township of Hillsborough, by adding an Article III, Titled “Containerized Yard Waste”, Sections 309-11 through 309-17.**

**Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:**

1. Chapter 309 of the Code of the Township of Hillsborough is amended by adding an Article III, titled “Garbage, Rubbish and Refuse”, sections 309-11 through 309-17 as follows:

### **Chapter 309**

## **GARBAGE, RUBBISH AND REFUSE**

### **Containerized Yard Waste**

#### **Article III**

#### **309-11. Purpose:**

An ordinance to establish requirements for the proper handling of yard waste in Township of Hillsborough, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### **309-12. 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.
- b. 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.

### **309-13. Prohibited Conduct:**

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 ordinance.

### **309-14. Enforcement:**

The provisions of this ordinance shall be enforced by the Health Officer of the Township of Hillsborough. The Police Department will enforce and forward to the Health Department during normal business hours.

### **309-15. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to Imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days

### **309-16. Severability:**

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.

**309-17. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

*Introduced: 9/13/05*

*Published: 9/22/05*

*Public Hearing: 10/11/05*

*Adopted: 10/11/05*

*Published: 10/20/05*

**ATTEST:**

**HILLSBOROUGH      TOWNSHIP  
COMMITTEE**

By: \_\_\_\_\_  
Kevin P. Davis, Clerk/Administrator

By: \_\_\_\_\_  
Robert C. Wagner, Jr., Mayor