

ORDINANCE NO. 2023-17

AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 5 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED “BRUSH, GRASS AND WEEDS, REMOVAL OF” SO AS TO CREATE A NEW SECTION 8, ENTITLED “CONTAINERIZED YARD WASTE”

BE IT ORDAINED by the Township Committee of the Township of Plumsted, County of Ocean and State of New Jersey, as follows:

SECTION 1. That Chapter 5 of the General Ordinances of the Township of Plumsted entitled “Brush, Grass and Weeds, Removal of,” shall be amended and supplemented so as to create a new Subsection 5-8, entitled “Containerized Yard Waste,” which shall read in its entirety as follows:

§ 5-8. Containerized Yard Waste.

- a. **Purpose.** An ordinance to establish requirements for the proper handling of yard waste in the Township of Plumsted, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. **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 Subsection 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.
 1. **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 coming into contact with stormwater.
 2. **PERSON** – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 3. **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.
 4. **YARD WASTE** – Leaves and grass clippings.
- c. **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 if it can be determined for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

- d. Enforcement. This ordinance shall be enforced by the Police Department or the Construction Code Official or the Code Enforcement Officer of the Township of Plumsted.
- f. Violations and Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of not to exceed one hundred (\$100) dollars.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	11/2/23 12/7/23	11/2/23 12/7/23	11/2/23 12/7/23	12/7/23	11/2/23 12/7/23
ABSTAIN					
NAYS					
ABSENT				11/2/23	

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the **2nd** day of **November, 2023** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **7th** day of **December, 2023** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to protect public health, safety and welfare by prohibiting the sweeping, raking, blowing or otherwise placing of yard waste in the street unless it is containerized, and to provide penalties for violation of the same.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.


JENNIFER WITHAM, RMC, CMR
MUNICIPAL CLERK