

**ORDINANCE NO. 24 OF 2005**

**ORDINANCE OF THE BOROUGH OF TUCKERTON,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING  
AND SUPPLEMENTING CHAPTER 72 OF THE BOROUGH  
CODE OF THE BOROUGH OF TUCKERTON ENTITLED  
"GARBAGE, RUBBISH AND REFUSE" SO AS TO REGULATE  
THE DISPOSAL OF YARD WASTE**

**BE IT ORDAINED** by the Borough Council of the Borough of Tuckerton, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Chapter 72 of the Borough Code of the Borough of Tuckerton entitled "Garbage, rubbish and refuse" is hereby amended and supplemented so as to establish Article III entitled "Containerized Yard Waste" which shall read as follows:

**ARTICLE III**

**Containerized Yard Waste**

**§ 72-13 Purpose:**

To establish requirements for the proper handling of yard waste in the Borough of Tuckerton so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 72-14. Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article 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.

**§ 72-15 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.

**§ 72-16 Enforcement.**

The provisions of this Article shall be enforced by the Police Department or Code Enforcement Officer of the Borough of Tuckerton.

**§ 72-17 Violations and Penalties.**

Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.00 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

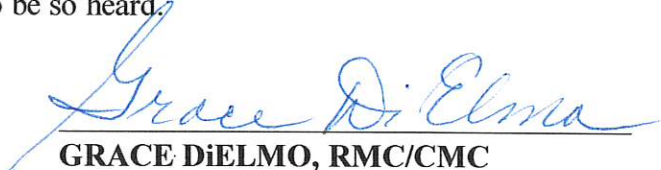
**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Tuckerton held on the 7<sup>th</sup> day of Sept., 2005, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the 31<sup>st</sup> day of October, 2005, at 7:00 p.m. at the Municipal Building located at 140 East Main Street, Tuckerton, New Jersey, at which time and place, any persons desiring to be heard upon the same will be given the opportunity to be so heard.



**GRACE DiELMO, RMC/CMC**  
Borough Clerk, Borough of Tuckerton

PASSAGE ON FIRST READING:      MOVED BY: Foglia

SECOND BY: Marshall

VOTE:      VENTRESCA yes      BOWER yes      FOGLIA yes

MARSHALL yes      EVANS yes      MC ANDREW yes

FINAL PASSAGE:      MOVED BY: Foglia

SECOND BY: Ventresca

VOTE:      VENTRESCA yes      BOWER yes      FOGLIA yes

MARSHALL yes      EVANS yes      MC ANDREW yes

APPROVED:

  
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KEVIN S. QUINLAN, MAYOR

**PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that Ordinance #24 of 2005, an ordinance entitled, "ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 72 OF THE BOROUGH CODE OF THE BOROUGH OF TUCKERTON ENTITLED "GARBAGE, RUBBISH AND REFUSE" SO AS TO REGULATE THE DISPOSAL OF YARD WASTE, was adopted by the Mayor and Borough Council at a meeting held on October 3, 2005.




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**GRACE DI ELMO, RMC/CMC  
BOROUGH CLERK**

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COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING  
AND SUPPLEMENTING CHAPTER 72 OF THE BOROUGH  
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"GARBAGE, RUBBISH AND REFUSE" SO AS TO REGULATE  
THE DISPOSAL OF YARD WASTE**

The Borough of Tuckerton introduced the above ordinance at its 9/7, 2005 meeting. The Ordinance amends and supplements Chapter 72 of the Borough Code of the Borough of Tuckerton entitled "Garbage, rubbish and refuse" so as to regulate the disposal of yard waste. The Ordinance will be considered on second and final reading at the 10/3, 2005 meeting of the governing body. All meetings are held at the Municipal Building located at 140 E. Main Street, Tuckerton, New Jersey, commencing at 7:00 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 140 East Main Street, Tuckerton, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.

  
**GRACE Di ELMO, RMC/CMC**  
Municipal Clerk, Borough of Tuckerton