

ORDINANCE NO. 2005- 8
AN ORDINANCE OF THE CITY OF BEVERLY TO ESTABLISH A
CONTAINERIZED YARD WASTE COLLECTION PROGRAM

SECTION I. Purpose. An ordinance to establish a yard waste collection and disposal program in the City of Beverly, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. 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. The word "shall" is always mandatory and not merely directory.

- A. Containerized-means the placement of yard waste in a trashcan, 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-an 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.

SECTION III. 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.

SECTION IV. Enforcement. This ordinance shall be enforced by the Superintendent of Public Works and the Police Department of the City of Beverly.

SECTION V. Violations and Penalty. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine for the first offense of \$50.00, for the second offense, \$100.0 and for third and subsequent offenses a sum not to exceed \$500.00 for each day that the violation continues.

SECTION VI. 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.

THE COMMON COUNCIL OF THE CITY OF BEVERLY ADOPTED THE ABOVE ORDINANCE ON FIRST READING AT A REGULAR MEETING HELD ON MARCH 8, 2005. A PUBLIC HEARING WILL BE HELD ON MARCH 22, 2005 AT 7:00PM IN COUNCIL CHAMBERS OF THE BEVERLY CITY MUNICIPAL BUILDING AT 446 BROAD STREET, BEVERLY NJ.

BARBARA A. SHEIPE RMC
CLERK/ADMINISTRATOR

I hereby certify that the foregoing is a true copy of a Resolution/Ordinance duly adopted by the Governing Body of the City of Beverly, County of Burlington, State of New Jersey, at a meeting held 3/22/05


Signature of Official