

ORDINANCE O – 3 – 2023

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 84 ENTITLED “SOLID
WASTE AND RECYCLING” OF THE CODE OF THE TOWNSHIP OF ELK**

WHEREAS, the Mayor and Committee, Township of Elk, have determined that amendments to Chapter 84 entitled “Solid Waste and Recycling” are necessary; and

WHEREAS, in all other respects Chapter 84 entitled “Solid Waste and Recycling” shall remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 84 entitled “Solid Waste and Recycling” shall be amended to include a new Article III entitled “Containerized Yard Waste” as follows:

Article III. Containerized Yard Waste.

§ 84-26. Purpose.

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

§ 84-27. 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.
- 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.

§ 84-28. 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.

§ 84-29. Enforcement.

This Article shall be enforced by the Elk Township Police Department, Elk Township Public Works Department and/or Elk Township Code Enforcement Official.

§ 84-30. Violations and penalties.

Any person who shall violate any of the terms or provisions of this Chapter or shall commit or do any act or thing prohibited by the terms of this article shall, upon conviction thereof, be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days. Offenses on separate days shall be deemed to be separate offenses, so that a continued violation from day to day shall be construed to be a new violation for each day such violation occurs.

Section 2.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan	✓		✓			
Lucas			✓			
Nicholson			✓			
Rambo		✓	✓			
Sammons			✓			

TOWNSHIP OF ELK

ATTEST:

Debora R. Pine
DEBORA R. PINE, Township Clerk

Carolyn D. K. Sammons, Mayor

FINAL ADOPTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion to Adopt	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan			✓			
Lucas	✓		✓			
Nicholson		✓	✓			
Rambo						✓
Sammons			✓			

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on February 2, 2023. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on March 2, 2023, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.

Debora R. Pine
DEBORA R. PINE, TOWNSHIP CLERK