

**BOROUGH OF LONGPORT
ORDINANCE 2017-23
AN ORDINANCE AMENDING CHAPTER 105 GARBAGE, RUBBISH AND REFUSE
OF THE BOROUGH OF LONGPORT CODE
BY INSERTING AN ARTICLE DEALING WITH YARD WASTE COLLECTION**

Purpose.

An ordinance to regulate the yard waste collection and disposal program of the Borough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 1. The following Article is added to Chapter 105:

**ARTICLE III
Yard Waste**

105-16. 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

105-17. Yard Waste Collection.

All yard waste shall be placed within a container as described in **105-16** above and placed at the curb not earlier than 7:00 PM of the day before the scheduled pickup day.

105-18. Enforcement.

It shall be the duty of either the Longport Police Department, Public Works Supervisor, or Construction Code Official or his designee to enforce the provisions of this chapter.

105-19. Violations and Penalties.

- A. Any person violating this Article shall, upon conviction thereof, be punishable by one or more of the following: a period of community service not exceeding 90 days; a fine of not less than \$100 nor more than \$500.00 at the discretion of the presiding Judge.

B. Any person who is convicted of violating the provisions of this chapter within one year of the date of the previous violation of the same chapter and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this chapter, but shall be calculated separately from the fine imposed for the original violation of this chapter. Whenever such person shall have been officially notified of by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's occurrence shall constitute a separate offense, punishable by a fine or penalty.

SECTION II: All other Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction as invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION III: This Ordinance shall take effect immediately upon passage and publication as required by Law.

1 ST READING/INTRODUCTION 9-20-2017 PUBLICATION: 9-23-2017						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON INTRODUCTION						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo			✓			
Leeds		X	✓			
Lawler	X		✓			
X-indicates vote NV-not voting AB. - Absent						
2 ND READING/PUBLIC COMMENT: 10-18-2017 PUBLICATION:						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote NV-not voting AB. - Absent						