

§ 232-12. Purpose.

The purpose of this article is to establish a yard waste collection and disposal program in the Borough of Essex Fells, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 232-13. Definitions.

The following definitions shall apply to Article III of Chapter 232:

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.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

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.

YARD WASTE — Leaves, twigs and branches. Grass clippings, tree stumps, and roots shall not be deemed or considered yard waste.

§ 232-14. Yard waste collection. [Amended 12-6-2022 by Ord. No. 2022-1068]

Sweeping, raking, blowing or otherwise placing yard waste that is not in containers or biodegradable paper bags at the curb or along the street is only permitted during spring and fall cleanup, and then only in accordance with seasonal rules established by the Borough for the placement of yard waste in the street during these periods. Yard waste shall not be placed closer than 10 feet from any storm drain inlet or 20 feet from an intersection at any time. Placement of loose yard waste at the curb or along the street, except in accordance with seasonal rules, shall be a violation of this article. The owner of any property bordering the area in which the placement of yard waste occurs shall be responsible for placement of the yard waste and must remove the yard waste from the street or shall be deemed in violation of this article. Containers or biodegradable paper bags placed for yard waste collection shall conform to Borough collection requirements.

§ 232-15. Enforcement.

The provisions of this article shall be enforced by the Department of Public Works, Police Department of Essex Fells, and the Construction Official.

§ 232-16. Violations and penalties.

Any person, firm or corporation, landowner or tenant who violates any of the provisions of this article of this chapter shall receive a written notice of violation and be required to correct any such violation within 10 days of notice. If any such person, firm, corporation, landowner or tenant fails to abate the violation, he or she shall be subject to a penalty of \$100, and each week the offense continues will be considered a separate and distinct offense. A subsequent violation of this article

shall result in a penalty of \$250 and third and subsequent violations shall result in a minimum penalty of \$500 and a maximum penalty of \$1,000 and up to 90 days in jail upon conviction.