

**MONTAGUE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2023-16

**AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX,
STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 88 OF THE
TOWNSHIP CODE, ENTITLED “COLLECTION AND DISPOSAL OF REFUSE”,
AMENDING SECTION 88-1, “DEFINITIONS,” AND ADDING SECTION 88-17,
ESTABLISHING A YARD WASTE COLLECTION PROGRAM**

WHEREAS, the Mayor and Committee of the Township of Montague desire to amend and supplement Chapter 88 of the Township Code, entitled “Collection and Disposal of Refuse”, to add a provision establishing a yard waste collection program, in order to comply with recent legislation which formalizes the manner in which municipalities must deal with stormwater issues; and

WHEREAS, Montague Township is designated as a Tier A Municipality under N.J.A.C. 7:8 and is obligated to implement certain ordinances required by the Tier A NJDES Municipal Stormwater General Permit on or before December 2023; and

WHEREAS, the Township of Montague Committee desires to meet its obligations under N.J.A.C. 7:8

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Montague, in the County of Sussex, State of New Jersey that Chapter 88 of the Township Code, entitled “Collection and Disposal of Refuse”, be amended and supplemented as follows:

SECTION 1.

§ 88-1 Definitions

For the purposes 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 a directory.

BULKY WASTE

Unwanted household items that are not garbage; items include stoves, refrigerators, furniture, and carpets, but not including yard debris such as clippings or brush, hazardous material, computers, televisions, electronic devices, automotive waste, such as tires, oil, and batteries, or construction debris.

COMBUSTIBLE WASTES

Yard trimmings, rags, wood, cardboard, and other combustible waste solids of a nonvolatile or explosive nature.

CONTAINERIZED

The placement of yard waste in a trash can, bucket, bag, or other vessels, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

GARBAGE

Animal or vegetable waste solids resulting from the handling, preparation, cooking, and consumption of food.

NONCOMBUSTIBLE WASTES

All solid waste material which does not burn.

OWNER

Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises with or without accompanying actual possession thereof; or shall have charge thereof or control of any residential premises as owner or agent of the owner, or as fiduciary, including but not limited to: executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as mortgagee in possession regardless of how such possession was obtained.

PERSON

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

REFUSE

All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleaning, and solid market and industrial wastes; whether combustible or noncombustible.

RUBBISH

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes

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 and grass clippings.

SECTION 2.

§ 88-17 Yard Waste Collection Program

A. Purpose

The following code provisions are intended to establish a yard waste collection and disposal program in the Township of Montague, so as to protect health, safety, and welfare, and to prescribe penalties for the failure to comply.

B. Yard Waste Collection

Sweeping, raking, blowing, or otherwise placing leaves that are not containerized at the curb along the street is only allowed during the seven (7) days prior to a scheduled and announced collection. Leaves shall not be placed closer than 10 feet from any storm drain inlet. All leaves must be placed in thirty-gallon brown biodegradable self-standing waterproof paper bags. Placement of Yard Waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of Yard Waste occurs, the party responsible for placement of the Yard Waste must remove the Yard Waste from the street or said party shall be deemed in violation of this ordinance.

Grass clippings may be composted on the property on which it is generated or cut and left on the property on which it is generated. Sweeping, raking, blowing, or otherwise placing grass clippings at the curb or along the street is a violation of this ordinance. If such placement of grass clipping occurs, the party responsible for the placement of the grass clipping must remove the grass clippings from the street or said party shall be deemed in violation of this ordinance.

C. Enforcement

The provisions of this ordinance shall be enforced by the Code Enforcement Officer, and/or the Montague Township Department of Public Works.

D. Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$100.

SECTION 3.

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.

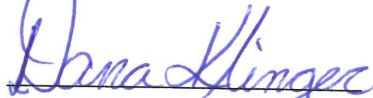
SECTION 4.

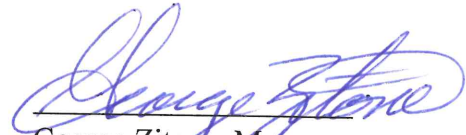
Effective date: This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: November 14, 2023

Adopted: November 28, 2023

ATTEST:


Dana Klinger, RMC, CMR


George Zitone, Mayor

RECORD OF COMMITTEE VOTES – Ordinance 2023-16				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
RICHARD INNELLA	X			
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
MAYOR GEORGE ZITONE	X			