**CITY OF ESTELL MANOR, NJ**

**ORDINANCE #03-2024**

**Ordinance CREATING CHAPTER 250 IN THE CODE OF THE CITY OF ESTELL MANOR CONCERNING CONTAINERIZED YARD WASTE; and Repealing All Ordinances Heretofore Adopted, The Provisions Of Which Are Inconsistent Herewith**

**WHEREAS,** the New Jersey Department of Environmental Protection (NJDEP) has determined that over 90% of New Jersey’s waterways are impaired and over 60% can be attributed to pollutants from stormwater runoff; and

**WHEREAS,** in 2004 the Municipal Separate Storm Sewer System (MS4) permitting program was created, and is required by both federal and state regulations, to address water quality and flooding issues in municipal stormwater systems; and

**WHEREAS,** the MS4 Tier A Permit was recently updated with a new permitting process that became effective January 1, 2023, affecting 557 of the municipalities within New Jersey that are now required to secure a MS4 Tier A Permit; and

**WHEREAS,** the City of Estell Manor, which was previously included within the Tier B Permit group which required less stringent regulations, is now required to obtain a Tier A Permit; and

**WHEREAS,** municipalities that are newly included within the Tier A Permit municipalities have been granted until May 1, 2024 to adopt ordinances consistent with the new MS4 Tier A Permit requirements; and

**WHEREAS,** it is necessary for the City of Estell Manor to adopt the necessary ordinances so as to qualify for the MS4 Tier A Permit.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, that:

 **SECTION 1. Chapter 250 to be known as “Containerized Yard Waste” is hereby created and added to the Code of the City of Estell Manor and shall read as follows:**

**Chapter 250 Containerized Yard Waste**

**ARTICLE I. Purpose**

**§ 250-1 Purpose**

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

**ARTICLE II. Definitions**

**§ 250-2 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.

**ARTICLE III. Prohibited Conduct**

**§ 250-3 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.

**ARTICLE IV. Enforcement**

**§ 250-4 Enforcement**

The provisions of this ordinance shall be enforced by the Code Enforcement Officer.

**ARTICLE V. Violations and Penalties**

**§ 250-5 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 and penalties consistent with those set forth within Chapter 1, Article II, §1.3 *et. seq.*

 **SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

 **SECTION 3.** This Ordinance shall take effect upon its final passage and publication as provided by law.

CITY COUNCIL OF

THE CITY OF ESTELL MANOR,

COUNTY OF ATLANTIC and ATTEST:

STATE OF NEW JERSEY

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Elizabeth Owen, Mayor Lisa Marcolongo, RMC, CMR

 City Clerk

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| **COUNCIL MEMBER** | **MOTION** | **YES** | **NO** | **ABSTAIN** | **ABSENT** |
| GIVENS |  | X |  |  |  |
| MASKER  | 2 | X |  |  |  |
| MADDOX |  | X |  |  |  |
| DILG | 1 | X |  |  |  |
| MAYOR OWEN  |  | X |  |  |  |

 ***FIRST READING:*  March 5, 2024**

 ***PUBLICATION:*  March 14, 2024**

 ***FINAL PASSAGE:* April 2, 2024**

 ***PUBLICATION:* April 9, 2024**

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