

**Code of the Township of
Berlin Chapter 70
Article III: Yard Waste Containerization and Collection**

70-15.

A. Purpose:

To establish requirements for the proper containerization, collection and disposal of yard waste in the Township of Berlin, so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

B. 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 Article 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 onto the street and coming into contact with stormwater.
- b. Person - any individual, corporation, 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.

C. 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 the placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this Article.

D. Yard Waste Collection:

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is ONLY allowed during the seven (7) days prior to a scheduled announced collection, and shall not be placed closer than ten (10) feet from any storm drain inlet. Placement of such yard waste at the curb or along the curb at any other time or in any other manner is a violation of this Article. If such placement occurs, the party responsible for the placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this Article.

E. Enforcement:

This ordinance shall be enforced by the Berlin Township Police Department.

F. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed twenty five dollars (\$25.) for the first offense. For the second or subsequent offense the fine shall not exceed one hundred dollars (\$100.).

G. Severability:

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, clause or 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.

H. Effective Date:

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 14 th day of MARCH,2005, by the Governing Body of the Township of Berlin.