

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 07-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE
BOROUGH CODE ENTITLED “MUNICIPAL SEPARATE STORM SEWER
SYSTEM (MS4), TIER A COMMUNITY-WIDE ORDINANCES” TO ADD NEW
SECTION 18-5 ENTITLED “YARD WASTE COLLECTION PROGRAM”**

WHEREAS, in July 2022, the New Jersey Department of Environmental Protection (“NJDEP”) reassigned all New Jersey municipalities designated as “Tier B” under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) to “Tier A” effectively invalidating the “Tier B” permit program; and

WHEREAS, as a result of Tier A reassignment, the Borough of Ogdensburg (“Borough”) is required to satisfy additional permit conditions set forth in the Tier A MS4 New Jersey Pollutant Discharge Elimination System (“NJPDES”) Master General Permit renewed January 1, 2023; and

WHEREAS, Tier A NJPDES permit conditions require, among other things, that the Borough adopt and enforce community-wide ordinances regarding (1) Pet Waste, (2) Wildlife Feeding, (3) Litter Control, (4) Improper Disposal of Waste, (5) Containerized Yard Waste/Yard Waste, (6) Private Storm Drain Inlet Retrofitting, (7) Privately-Owned Salt Storage, (8) Tree Removal/Replacement, (9) Illicit Connection, and (10) Privately-Owned Refuse Container/Dumpster (optional); and

WHEREAS, the Borough desires to adopt the aforesaid ordinances throughout the course of this calendar year for better legislative management and increased public participation, which ordinances shall appear in Chapter 18 of the Borough Code entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances.”

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Chapter 18 of the Borough Code entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances” is hereby amended to add new Section 18-5 entitled “Yard Waste Collection Program” as follows:

SECTION 1. Section 18-5 entitled “Yard Waste Collection Program” is hereby added to Chapter 18 of the Borough Code as follows:

§ 18-5 YARD WASTE COLLECTION PROGRAM

18-5.1 Purpose.

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

18-5.2 Definitions.

For the purpose of this Section, 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.

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 and grass clippings.

18-5.3 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 and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this Section. 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 Section.

18-5.4 Enforcement.

The provisions of this ordinance shall be enforced by Ogdensburg Police Department and/or Municipal Officials of the Borough of Ogdensburg.

18-5.5 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Section shall be subject to a fine of not less than \$50 nor maximum fine more than \$250 for each and every violation.

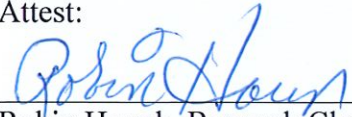
SECTION 2. All other provisions unaffected by this Ordinance shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

Attest:



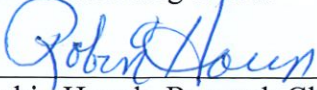
Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above-entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on June 12, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on June 26, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.



Robin Hough, Borough Clerk

Roll call vote for Introduction Ordinance 07-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption Ordinance 07-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 07-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE BOROUGH CODE
ENTITLED “MUNICIPAL SEPARATE STROM SEWER SYSTEM (MS4), TIER A
COMMUNITY-WIDE ORDINANCES: TO ADD NEW SECTION 18-5 ENTITLED
“YARD WASTE COLLECTION PROGRAM”**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 12th day of June, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 26th day of June, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.


Robin Hough, RMC/CMR