**AN ORDINANCE BY PRINCETON CONCERNING LANDSCAPING REGISTRATION AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".**

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and updated Chapter 10C of the "Code of the Township of Princeton, New Jersey, 1968," pertaining to Landscaping Registration; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 10C of the "Code of the Township of Princeton, New Jersey, 1968," is hereby repealed in its entity.

Section 2. A NEW Chapter 10C of the "Code of the Township of Princeton, New Jersey, 1968," as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to set forth provisions governing landscaping registration and to replace the aforementioned Chapter 10C of the "Code of the Township of Princeton, New Jersey, 1968".

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The attached Chapter 10C shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on May 5, 2014 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on May 27, 2014 which begins at 7:00 p.m.

Kathleen K Brzezynski

Kathleen K. Brzezynski
Deputy Clerk

EXHIBIT A

# CHAPTER 10C. LANDSCAPING - REGISTRATION

## Sec. 10C-1. Registration requirement for landscapers for hire; purpose.

No person shall landscape or engage in any landscaping on any public or private property within the municipality for hire without first registering with the department of infrastructure and operations, on forms to be supplied by said department.

The purpose of this chapter requiring landscaper registration is to ensure that persons defined in section 10C-2 are cognizant of Princeton's regulations concerning the leaf, branch and log collection program. Nothing in this chapter shall relieve any owner, lessee or tenant of his or her responsibility to comply with the requirements of Princeton's leaf, branch and log collection program set forth elsewhere in this Code.

## Sec. 10C-2. Definitions.

As used in this chapter the following words and phrases shall have the following meaning:

*For hire* shall mean to demand and/or accept payment or compensation for completion of services.

*Hedges, trees* and *shrubs* shall have the same meaning as may be defined in chapter 22 of this Code, "Trees and Shrubs."

*Landscape* and *landscaping* shall mean to be in the business, occupation or trade of adorning or improving any property or portion of property by trimming or cutting grass or shrubs; by planting, installing or removing leaves, branches, logs, grass, flowers, mulch, hedges or shrubs; or by planting or installing trees. As used in this chapter, *landscape* and *landscaping* shall also refer to solicitation of the above-referenced services.

*Person* shall mean any individual or entity whose existence is recognized by law, including, but not limited to, any partnership, corporation (for-profit, nonprofit, or municipal and its agencies), firm, association, or any combination of the foregoing.

## Sec. 10C-3. Applications for registration; registration fee; suspension or revocation of registration; disclaimer.

(a) An application for registration shall be made upon forms provided by Princeton and shall be filed with the director of infrastructure and operations or his designee. Approved applications for registration shall be public records.

(b) At the time of registration, applicants shall provide proof that they have received a copy of and will comply with the provisions of the municipality's ordinance regulating its leaf, branch and log collection program.

(c) Every registration shall be issued and renewed on an annual basis, effective March 1 of each year, upon payment of an annual fee to the municipality in the amount of ten dollars.

(d) No registration shall be required of any owner, lessee or tenant of real property who shall personally perform activities otherwise requiring a registration; except that all such work must otherwise comply with the municipality's ordinance.

(e) The council may, upon recommendation of the director of infrastructure and operations, or his designee, after notice and an opportunity for a hearing, suspend or revoke any registration for violation of law or related Princeton ordinances, or for good cause, which is shown to be prejudicial to the public health, safety or welfare. When the director of infrastructure and operations, or his designee, has reasonable cause or belief that an emergency affecting the public health, safety or welfare so requires, said official or employee may temporarily suspend any registration for a period not to exceed one week or until the council can be convened to consider said suspension.

(f) Princeton makes no guarantee or representation regarding the fitness, knowledge or qualification of any person that is registered by Princeton to engage in landscaping for hire.

**Sec. 10C-4. Off-site disposal and composting encouraged.**

Persons registered are encouraged, but not required, to either compost leaves, branches and logs themselves on their own property, such as in wooded areas if practicable, or bring leaves, branches and logs to the Lawrence Township Ecological Facility ("Facility"), or such other ecological facility that may be designated by the municipality for disposal. At the time of taking branches and logs to the Facility for disposal, such persons shall provide their name and registration number, along with the resident's name, address and signature, to the Facility on forms for such purpose available in the office of the director of infrastructure and operations, or from his designee.

**Sec. 10C-5. Exemption of home improvement contractors; additional exemptions.**

(a) Home improvement contractors registered pursuant to N.J.A.C. 13:45A-17.1 *et seq.* on or after December 31, 2005 shall not be required to register with the municipality as set forth in this chapter.

(b) Persons who are specifically exempt from the registration requirements of N.J.A.C. 13:45A-17.1 *et seq.* under N.J.A.C. 13:45A-17.4 on or after December 31, 2005 shall not be required to register with the municipality as set forth in this chapter.

**Sec. 10C-6. Violations; penalties.**

For each violation of this chapter, the violator shall be subject to such fines and other penalties as provided in section 1-6 of this Code, entitled "General penalty; continuing violations; repeat violations; other penalties." Repeat offenders shall be subject to additional fines and other penalties as provided in section 1-6 of this Code.