

**Borough of Pennington  
Ordinance #2006-9**

**AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PROPER HANDLING OF  
YARD WASTE, ESTABLISHING A YARD WASTE COLLECTION AND DISPOSAL PROGRAM,  
AND AMENDING CHAPTER 172 OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the careless handling and disposal of yard waste impedes stormwater management in the Borough of Pennington in that uncontainerized leaves, brush, cuttings and the like, left in the street for extended periods, are likely to wash into storm sewers;

**WHEREAS**, the regulation of solid waste within the Borough does not now include requirements for the proper handling of yard waste or a formal program for yard waste collection and disposal;

**WHEREAS**, the Borough now seeks to establish such requirements and such program, and to provide effective means for enforcing compliance, amending Chapter 172 of the Borough Code by the inclusion of new Article III, Yard Waste;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, as follows:

1. Chapter 172 of the Code of the Borough of Pennington is hereby amended by the addition of new Article III, Yard Waste, containing the following provisions:

(a) As used in this article, the following terms shall have the meanings indicated.

**BRUSH** – Branches and shrubs suitable for disposal in a chipper. Brush does not include grass clippings, leaves, cuttings, twigs or miscellaneous organic matter.

**CONTAINERIZED** – The placement of yard waste in a trash can, bucket, bag or other container sufficient to prevent the yard waste from spilling or blowing into the street.

**CUTTINGS AND TWIGS** – Small diameter branches collected from yards or pruned from trees or shrubs. Cuttings and twigs are too small for disposal in a chipper.

**LEAVES** – Leaves collected from yard areas exclusive of grass clippings, cuttings, twigs, brush or other organic matter.

**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 include pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

**YARD WASTE** – Brush, cuttings and twigs, leaves, grass clippings and miscellaneous organic material resulting from yard maintenance.

(b) No person shall sweep, rake, blow or otherwise place yard waste in a street except as permitted by this ordinance. Any person placing yard waste in a street except as permitted by this ordinance shall be in violation of this ordinance and subject to the fines and penalties set forth below.

(c) The owner of property from which yard waste has been removed and unlawfully left in the street, whether or not the owner is the person who caused the waste to be placed in the street in the first instance, shall be responsible for removing the yard waste from the street forthwith and, upon failing to do so after notice by the Borough, shall be in violation of this ordinance. In the absence of the owner, the tenant or other occupant of the property shall be responsible for removing the prohibited yard waste.

(d) Leaves may be placed in a Borough-owned street for collection by the Borough no more than seven (7) days immediately prior to a scheduled collection. Leaves will be scheduled for collection by the Borough on an ongoing basis, as often as practicable, during the period from October 1 to January 1 and from April 1 to June 1. Scheduled collections will be announced through local newspapers and by notices posted in the municipal building. Leaves placed in the street in anticipation of collections during the period from October 1 to January 1 need not be containerized. Leaves placed in a Borough-owned street in anticipation of collections during the period April 1 to June 1 must be containerized. When containerized, the leaves must be contained in bags which when full shall not weigh more than 45 pounds per bag. Whether or not containerized, leaves placed in the street for collection shall not include grass clippings or other yard waste.

(e) The placement of uncontainerized leaves in a street owned by the County or State shall be subject to regulation by them. However, containerized leaves may be placed in a State or County street for collection by the Borough during the period from April 1 to June 1, subject to the weight limitations set forth above.

(f) Other yard waste, exclusive of grass clippings, may be placed in any street during the day immediately prior to a collection scheduled by the Borough for that type of yard waste and at no other time. All such yard waste shall be containerized, except brush must be stacked neatly with the large end of the trunk or stem facing the street and need not be tied or containerized. Grass clippings may not be included or mixed with this waste. Placing grass clippings in the street, whether or not containerized, is prohibited at all times.

(g) Weekly collections shall be scheduled as follows:

(i) Collection of cuttings and twigs and yard waste other than brush, leaves and grass clippings, shall be scheduled for every Monday, exclusive of holidays, throughout the year.

(ii) Collection of brush shall be scheduled for every Tuesday, exclusive of holidays, throughout the year.

(h) Any person who violates or neglects to comply with any provision of this article shall, upon conviction, be subject to a fine not to exceed \$1,000, imprisonment for a period not to exceed 90 days, or a period of community service not to exceed 90 days, or any combination thereof; except a person who has received notice from the Borough to remove yard waste unlawfully placed in a street and fails to do so within seven days from receipt of the notice shall be subject to a mandatory minimum fine of \$100 for each day the violation continues after the seventh day. Each day the violation so continues shall be deemed a separate offense. . In addition, any person who violates this chapter shall be liable to the Borough for expense, loss or damage incurred by the Borough as a result of the violation.

2. This ordinance shall take effect upon its passage and publication as provided by law.

Introduced: June 5, 2006  
Advertised: June 15, 2006  
Public Hearing: July 10, 2006  
Adoption: July 10, 2006  
Final Publication: July 20, 2006

ATTEST:

APPROVED:

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Elizabeth Sterling, Borough Clerk

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James Benton, Mayor