

**Borough of Pennington
Ordinance #2009-11**

**AN ORDINANCE REVISING REGULATIONS PERTAINING TO YARD WASTE AND
AMENDING CHAPTER 172 OF THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council of the Borough of Pennington, on the recommendation of the Public Works Committee, seeks to revise and supplement provisions of Chapter 172, Article III of the Code of the Borough of Pennington, concerning Yard Waste;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 172, Article III, of the Code of the Borough of Pennington, is amended as follows:

1. Section 172-18 of the Code, concerning definitions, is hereby amended to include in proper alphabetic order a definition of "CONTRACTOR" as follows:

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.

CONTRACTOR – **Any person, persons, company or other entity hired for the purpose of altering, cleaning, clearing, removing, pruning, maintaining or modifying the lawn, trees, shrubs, plantings or other natural materials on a property.**

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.

2. Section 172-21 of the Code, concerning collection of yard waste, is amended and supplemented as follows:

A. Leaves may be placed in a Borough-owned street for collection by the Borough no more than seven 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.

B. 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.

C. 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. **Tree trunks and limbs in excess of six inches (6") in diameter will not be collected except in compliance with regulations governing bulk trash service as provided in the Borough Code.** 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.

¹Brackets [] denote deleted language; underlining ____ indicates new language.

D. Weekly collections shall be scheduled as follows:

- (1) 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.
- (2) Collection of brush shall be scheduled for every Tuesday, exclusive of holidays, throughout the year.

E. [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.] **To the extent yard waste is permitted by this Article to be placed in the street in bags or containers, no more than twenty (20) bags or containers may be placed at the curb for collection at any one time. Yard waste permitted to be placed in the street without bags or containers shall be placed in a pile no larger than four feet (4') wide by four feet (4') high by fifteen feet (15') long. Each property is limited to one such pile per week.**

F. (new) All yard waste generated by a Contractor must be removed from the property by the Contractor and may not be left at the curb. Leaves shall be left at the curb in compliance with subsection A of this section.

3. Section 172-22 of the Code, concerning violations and penalties, is amended as follows:

Any person who violates or neglects to comply with any provision of this article **or any regulation promulgated pursuant thereto** shall [, upon conviction] **receive at least one warning before an enforcement action is brought but thereafter shall** be subject to a fine not to exceed \$[1,000] **500** [, 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 constitute [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.]

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

Introduced: November 2, 2009
Advertised: November 12, 2009
Public Hearing: December 7, 2009
Adoption: December 7, 2009
Final Publication: December 17, 2009

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor

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