

BOROUGH OF PENNINGTON
ORDINANCE NO. 2026-28

**AN ORDINANCE UPDATING CHAPTER 172 OF THE BOROUGH CODE
CONCERNING LEAF, BRUSH, AND YARD-WASTE COLLECTION AND PROVIDING
FOR REGISTRATION OF COMMERCIAL LANDSCAPING AND SNOW-REMOVAL
CONTRACTORS**

WHEREAS, the Borough provides leaf, brush, and yard-waste collection for Borough properties; and

WHEREAS, clear collection schedules and contractor responsibilities are necessary to protect Borough services, infrastructure, and taxpayers; and

WHEREAS, registration of commercial landscaping and snow-removal contractors will ensure notice of applicable Borough requirements and facilitate enforcement;

WHEREAS, Borough Council now seeks to effectuate these purposes by amending Chapter 172 of the Borough Code, including repeal and replacement of existing sections where indicated in Article III and the addition of a new Article IV;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Pennington, County of Mercer and State of New Jersey, that Chapter 172 of the Borough Code is hereby amended by changes to Article III (with new language underlined; deleted language, to the extent shown, deleted) and the insertion of new Article IV: :

1. Article III, Section 172-18 of the Borough Code, is amended as follows:

DEFINITIONS.

BIODEGRADABLE LAWN BAG [New]

A commercially manufactured biodegradable paper bag intended for yard waste.

BRUSH [Delete Existing Definition, Replace with the following]

Branches, limbs, sticks, or shrubs greater than 36 inches in length or greater than four inches in diameter, but not exceeding 10 inches in diameter or 15 feet in length, and otherwise suitable for the Borough's chipper. The term excludes leaves, grass clippings, cuttings and twigs, logs, stumps, root balls, vines, soil, rocks, wire, metal, and other debris.

CONTAINERIZED [Delete this Defined Term in its Entirety]

CONTRACTOR [Delete Existing Definition, Replace with the following]

A person or business compensated to maintain, alter, clear, prune, or remove lawns, trees, shrubs, plantings, snow, ice, or other outdoor material.

CUTTINGS AND TWIGS [Delete Existing Definition, Replace with the following]

Small branches, sticks, hedge clippings, and similar woody material not exceeding 36 inches in length and four inches in diameter.

LEAVES [Delete Existing Definition, Replace with the following]

Fallen tree and shrub leaves free of grass clippings, brush, cuttings and twigs, soil, rocks, trash, and other material.

PERSON [Retain Existing Definition]

REUSABLE BIN [New]

A rigid reusable receptacle not exceeding 32 gallons or 40 pounds when filled, without a lid or caster wheels and having drainage holes or otherwise fully drained at the time of collection.

STREET [Retain Existing Definition]

YARD WASTE [Delete Existing Definition, Replace with the following]

Cuttings and twigs, garden debris, weeds, nonwoody plant material, and similar organic material from ordinary yard maintenance. Yard waste excludes loose leaves, brush, grass clippings, logs, stumps, root balls, soil, sod, rocks, trash, food waste, and construction or land-clearing material.

2. Article III, Section 172-19 of the Borough Code, concerning prohibited conduct under the current Code, is hereby deleted in favor of related sections of this Ordinance, the section number to be reserved..
3. Article III, Section 172-20 of the Borough Code, concerning persons responsible for compliance with yard waste requirements, is repealed in its present form and replaced and re-titled, as follows:

GENERAL REQUIREMENTS AND PROHIBITIONS

A. Except as permitted by this article, no person shall sweep, rake, blow, dump, deposit, or otherwise place yard waste in a street or on other public property.

B. Material presented for Borough collection must comply with the applicable definitions in § 172-18 and the collection requirements in § 172-21. The Borough may reject material that is contaminated, improperly prepared, unsafe, excessive, outside the collection season, or otherwise ineligible.

C. The owner of the property from which rejected or unlawfully placed material originated, and any responsible contractor, shall remove the material when directed by the Borough. In the owner's absence, the tenant or other occupant of the property shall be responsible for its removal.

D. Failure to remove the material after notice from the Borough constitutes a violation of this article and is subject to the provisions of Section 172-22.

4. Article III, Section 172-21 of the Borough Code, governing requirements for collection of leaves, brush and yard waste, is repealed in its present form and replaced in its entirety as follows:

COLLECTIONS

A. Leaves.

- (1) The Borough shall provide vacuum leaf collection from October 1 through December 31 for leaves as defined in § 172-18 and shall endeavor to collect approximately once per week when operationally practicable.
- (2) Leaves for vacuum leaf collection may be placed loose at the curb before an anticipated collection. Piles must be neat, free of other material, and must not obstruct traffic, sidewalks, fire hydrants, storm drains, driveways, or sight distance for safely navigating roadways.
- (3) A contractor may place leaves for collection only at the Borough property where they originated. Leaves may not be imported into the Borough or moved to another property for collection.
- (4) Bagged leaves will not be accepted for collection at any time.

B. Brush

- (1) The Borough shall provide chipper collection for brush as defined in § 172-18 from March 1 through September 30 and shall endeavor to collect approximately once per week when operationally practicable. Collection outside this period (October 1 through February 28) shall occur only following an officially declared weather event or when the Borough Administrator, Superintendent of Public Works, or designee determines collection is necessary.
- (2) Brush, as defined in § 172-18, shall be neatly stacked with cut ends facing the street. Each property is limited to one pile not exceeding four feet high, four feet wide, and 15 feet long.
- (3) Contractor-generated brush shall be removed by the contractor and is not eligible for Borough collection.

C. Yard waste.

- (1) Yard waste, as defined in § 172-18, shall be collected throughout the year, and the Borough shall endeavor to collect approximately once per week when operationally practicable. Loose or mixed materials that do not meet the definition of yard waste will be rejected.
- (2) Yard waste must be placed in a biodegradable lawn bag intended for yard waste or in a reusable bin as defined in Section 172-18. Yard waste in plastic bags or bags containing plastic liners, wire, or other nonbiodegradable material is prohibited and will be rejected.
- (3) No more than 10 bags or bins of yard waste may be placed by a property for any one collection.
- (4) Yard waste may be placed at the curb when a collection is anticipated.
- (5) Contractor-generated yard waste shall be removed by the contractor and is not eligible for Borough collection.

D. Service goals. The Borough will endeavor to meet the service goals and schedules set forth above. However, collection may be delayed, changed, or suspended because of weather, emergencies, staffing, equipment, volume, holidays, or other municipal priorities. Delay does not authorize improper or out-of-season placement.

5. Article III, Section 172-22, concerning Violations and Penalties, is retained without change.

6. There is hereby created a new Article IV of Chapter 172 concerning commercial landscaping and snow-removal contractors defined broadly as “contractors” in Section 172-18 of the preceding article, as follows:

**ARTICLE IV — COMMERCIAL LANDSCAPING AND SNOW-REMOVAL
CONTRACTORS**

Section 172-23. Registration Required [New]

- A. All commercial landscaping, lawn-maintenance and snow-removal contractors defined broadly as “contractors” in Section 172-18 of the preceding article, as a condition precedent for performing landscaping, lawn-maintenance, or snow-removal services for compensation in the Borough, shall register annually with the Borough Clerk. The registration year begins on March 1 and any registration during the year thereafter shall expire on February 28.
- B. Registration shall be effected on forms provided by the Borough. Required information shall include the business and responsible person’s contact information, an emergency snow-event telephone number, description of services to be performed, information on all vehicles and trailers to be used in the work, proof of New Jersey business registration, required State licenses and registrations, proof of general liability and automobile insurance, and proof of workers’ compensation insurance as required by law.
- C. The annual fee shall be as provided in Chapter 98 of this Code and shall include two vehicle decals reflecting current registration. Each additional decal shall pay a separate fee. No local fee shall be imposed where prohibited by State law, but registration and compliance remain required.

- D. All vehicles associated with a registered person or vehicle performing business in Pennington Borough shall display a current Borough decal. Registration information shall be updated if there be a change in required information.
- E. A property owner or occupant personally maintaining a property, a minor performing occasional neighborhood work without a commercial vehicle, an uncompensated neighbor, a public utility or governmental agency, or a contractor working at the Borough's direction are exempt from registration but not from substantive requirements.

Section 172-24. Operating requirements [New]

- A. A contractor shall comply with Articles III and IV, applicable nuisance and stormwater ordinances, and all State and federal requirements.
- B. Except for leaves placed in accordance with § 172-20A, a landscaping or lawn-maintenance contractor shall remove all material generated or handled during compensated work.
- C. A snow-removal contractor shall keep snow and ice on the property where it originated unless lawfully hauled away and shall not place snow or ice in or across a public street, on a public sidewalk or crosswalk, on another property without permission, within three feet of a fire hydrant, over a storm drain, or in a fire lane, accessible route, or emergency-access area.
- D. Salt, brine, sand, and other deicing material shall not be dumped or washed near or into a storm drain, waterway, or neighboring property. Storage remains subject to Chapter 155, and sidewalk snow and ice removal remains subject to Chapter 177 of this Code.
- E. A contractor shall promptly report, as appropriate, and remove spilled material and correct any hazardous condition created by its work.

Section 172-25. Enforcement and penalties [New]

- A. This article may be enforced by the Borough Administrator, Superintendent of Public Works, Code Enforcement Officer, Police Department, Municipal Clerk, or designee.
- B. An initial ~~administrative~~ registration or decal violation may receive a warning. No warning is required for unlawful dumping or an immediate hazard.
- C. A violation is punishable by a fine of \$100 to \$250 for a first offense, \$250 to \$500 for a second offense within 24 months, and \$500 to \$1,000 for a third or subsequent offense within the same 24 months. Each day may constitute a separate offense.
- D. Registration may be suspended or revoked for false information, failure to maintain required insurance, repeated violations, unlawful dumping, improper snow placement, refusal to correct a hazard, or misuse of a decal.

7. Chapter 98, Article VI, Section 98-30, concerning Miscellaneous Non-Land Use Fees, is hereby amended by the addition of a new subsection H, providing as follows:

- H. Annual registration fee for contractors, including two vehicle decals, as provided in Section 172-23 of the Code: \$50. Each additional decal: \$10.

8. Ordinances inconsistent with this Ordinance are repealed only to the extent of the inconsistency.
9. If any provision of this Ordinance is held invalid by a court of law, the remaining provisions shall remain in effect.
10. This ordinance shall take effect upon passage and publication as provided by law, except contractor registration shall become enforceable 60 days after the effective date.

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RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				