

**HARDING TOWNSHIP  
ORDINANCE 10-2024**

**ORDINANCE OF THE TOWNSHIP OF HARDING TITLED, "YARD WASTE," ESTABLISHING  
REQUIREMENTS TO MANAGE RESIDENTIAL YARD WASTE IN HARDING TOWNSHIP  
PURSUANT TO N.J.S.A. 40:55D-53, ARTICLE XL, CHAPTER 225-194**

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**WHEREAS**, the New Jersey Department of Environmental Protection ("DEP") is responsible for implementing regulations pursuant to safety standards for stormwater management basins pursuant to N.J.S.A. 40:55D-95.1 (also known as the "Stormwater Management Regulations"); and

**WHEREAS**, the DEP's Stormwater Management Regulations take into consideration the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and the Dam Safety Act, N.J.S.A. 58:4-1 et seq.; and

**WHEREAS**, the DEP's regulations have certain effects upon municipalities, including but not limited to a municipality's planning powers pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and

**WHEREAS**, to be in compliance with the DEP's new Stormwater Management Regulations enacted in July of 2023, the Township is required to amend and/or create certain portions of its Township Code; and

**WHEREAS**, one of the requirements pursuant to the Stormwater Management Regulations is the regulation of residential yard waste; and

**BE IT ORDAINED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

**Purpose:** An ordinance establishing proper management of residential yard waste in Harding Township to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

**SECTION I.** The Municipal Code, Chapter 225-194, Article XL, "Yard Waste," is hereby created and shall read as follows:

I. Definitions: For the purpose of this ordinance, 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 consistent 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.

A. "Containerized" means the placement of yard waste in a trash can, bucket, bag, or other container to prevent yard waste from spilling or blowing out into the street and contaminating stormwater.

B. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C. "Street" means an improved or unimproved public road in a city or town which includes driving lanes, shoulders, gutters, curbs, sidewalks, and parking areas.

D. "Yard Waste" means loose leaves and grass clippings.

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**BE IT ORDAINED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

**Purpose:** An ordinance establishing proper management of residential yard waste in Harding Township to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

**SECTION I.** The Municipal Code, Chapter X, "Yard Waste," is hereby created and shall read as follows:

I. Definitions: For the purpose of this ordinance, 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 consistent 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.

A. "Containerized" means the placement of yard waste in a trash can, bucket, bag, or other container to prevent yard waste from spilling or blowing out into the street and contaminating stormwater.

B. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C. "Street" means an improved or unimproved public road in a city or town which includes driving lanes, shoulders, gutters, curbs, sidewalks, and parking areas.

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**II. Regulated Activities:**

- A. No person shall sweep, rake, blow, or otherwise place yard waste into the street unless it is for a scheduled collection.
- B. For non-containerized (loose) yard waste collection: Placement of loose yard waste must be at least 10 feet away from any storm drain inlet and no sooner than 7 days prior to a scheduled and announced collection.
- C. For containerized yard waste collection: Yard waste shall be placed in an appropriate container at the curb or along the street for collection.
- D. Placement of such yard waste on the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the person responsible for placement of the yard waste shall be in violation of this ordinance and must remove the yard waste immediately.

**III. Enforcement:** This ordinance shall be enforced by the Harding Township Police Department.

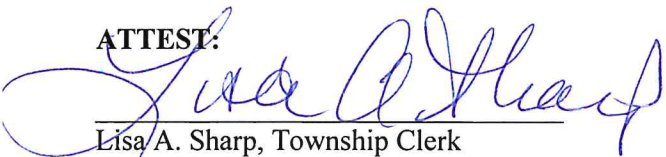
**IV . Violations and Penalties:** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00.

**V. Severability:** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION 2.** This ordinance may be renumbered for the purposes of codification.

**SECTION 3.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

**ATTEST:**

  
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Lisa A. Sharp, Township Clerk

**TOWNSHIP OF HARDING**

  
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Timothy D. Jones, Mayor

**INTRODUCED:** April 15, 2024  
**PUBLIC HEARING:** May 13, 2024  
**ADOPTED:** May 13, 2024

**ADVERTISED:** April 18, 2024  
**ADVERTISED:** May 16, 2024

**Vote on Adoption:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson	2nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr.. Lacz		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	1st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>