

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2022-1**

**ORDINANCE CONCERNING TRASH COLLECTION AND REPLACEMENT OF DAMAGED
CONTAINERS, AMENDING CHAPTERS 172 AND 98 OF THE CODE OF THE BOROUGH OF
PENNINGTON**

WHEREAS, Borough Council seeks to amend Article II, Chapter 172 of the Code of the Borough of Pennington, concerning trash collection, (a) to make clear that vacant lots are not eligible properties for receipt of approved trash containers, and (b) to require property owners to purchase an approved trash container to replace a container lost or damaged beyond reasonable wear and tear;

WHEREAS, Borough Council further seeks to amend Chapter 98 of the Code, concerning fees, to provide for a container replacement fee of \$100;

NOW, THEREFORFE, BE IT ORDAINED, by Borough Council of the Borough of Pennington, that Article II of Chapter 172 of the Code of the Borough of Pennington, is hereby amended (with new language underlined and deleted language crossed out) as follows:

1. Section 172-9, definitions, is hereby amended to modify the definitions of “Approved Trash Container” and “Eligible Property” to read:

“APPROVED TRASH CONTAINER. A trash container on wheels ~~supplied and~~ owned by the Borough and supplied without charge to the property owner of every eligible property ~~property owner without charge~~ or an identical additional container supplied by the Borough to ~~the~~ that property owner for an annual fee as provided in Chapter 98 of this Code. Only one container per eligible property shall be provided without charge to the property owner and no more than one additional container shall be provided to a that property owner for a fee. No other container or rolling cart may be used for trash collected by the Borough. Each container shall have a capacity of 95 gallons unless before the deadline advertised by the Department of Public Works the property owner notified the Department that it prefers a sixty-five-gallon container.”

“ELIGIBLE PROPERTY. A property other than a vacant lot owned by a property owner as defined herein or, if owned by an adjacent property owner as defined, the adjacent property owner has requested trash collection service and paid the required fee as set forth in Section 172-13 and Chapter 98.”

2. Section 172-10, basic trash service, is hereby amended at Subsection G to read:

G. All approved trash containers, including the containers for which the property owner or adjacent property owner pays an additional fee, shall be issued and owned by the Borough and remain at the property address to which they are assigned. Property owners and adjacent property owners who lose a trash container or damage the container beyond reasonable wear and tear shall replace the container for the fee established for this purpose by Chapter 98 of this Code.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that Article IX of Chapter 98 of the Code, concerning fees for solid waste disposal, is hereby amended by the insertion of a new Section 98-36, pertaining to replacement of lost or damaged trash containers, as follows:

“Section 98-36. Replacement of Lost or Damaged Trash Containers (new). The fee for replacement of a lost or damaged trash container in accordance with Section 172-10 of this Code shall be \$100.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be adopted and become effective upon passage and publication as required by law.

Introduced _____

Advertised _____

Public Hearing _____

Adopted _____

Published _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor