

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2021-7**

**AN ORDINANCE IMPLEMENTING AUTOMATED TRASH
COLLECTION AND AMENDING CHAPTER 172 OF THE CODE
OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council has determined that automated trash collection, using an automated garbage truck and standardized trash containers, is an efficient means for collecting residential solid waste that is likely to produce significant cost savings for the Borough over the present system;

WHEREAS, this method of trash collection will improve the safety of working conditions for the Borough employees responsible for performing this function;

WHEREAS, requiring affected property owners to use trash containers supplied by the Borough with standardized sizes and features, as required for automated trash collection, will give a uniform appearance and help keep our neighborhoods clean;

NOW, THEREFORE, BE IT ORDAINED, by the 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 172-8, setting forth findings concerning the system of waste collection as it existed before adoption of the 1998 ordinance, is hereby deleted.
2. In Section 172-9, definitions of the following terms are amended and one new defined term is added, all to be inserted in proper alphabetic order:

“**ADJACENT PROPERTY OWNER** – A person who holds legal title to real property partially within the Borough and partially within Hopewell Township ~~and , which property has more than 440% of the dwelling footprint on the property is located in Hopewell Township.~~”

“**APPROVED TRASH CONTAINER** -- ~~A watertight container and integral lid with a capacity of no more than 32 gallons and when full, it shall not weigh more than 40 pounds. The container shall be kept clean, covered and free from liquids and recyclable materials.~~ A trash container on wheels supplied and owned by the Borough to every property owner without charge or an identical additional container supplied by the Borough to the property owner for an annual fee as provided in Chapter 98 of this Code. Only one container per property shall be provided without charge to the property owner and no more than one additional container shall be provided to a 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 65-gallon container.”

“**BULK TRASH** – ~~Includes s~~ Source-separated, non-putrescible and non-deleterious waste items, such as concrete, asphalt, brick, block, asphalt-based roofing scrap, wood waste, tires, appliances and all other solid waste not disposed of in an approved trash container identified as acceptable bulk trash on a list made available by the Department of Public Works. Examples of bulk trash include concrete, asphalt, brick, block, asphalt-based roofing scrap, wood waste, tires, sofas and other furniture, mattresses and appliances. Bulk trash shall not include bulk items that can fit into the approved trash container or non-bulk items that merely exceed the capacity of the approved trash container for a particular

collection. Bulk trash collection shall be scheduled in accordance with the Trash Calendar published on the Borough website.”

“ELIGIBLE PROPERTY (new) – A property 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.”

“PROPERTY OWNER – A person who holds legal title to real property for which an individual or separate tax bill is issued by the Borough. This term shall not include owners of real property where less than 60% of the dwelling floor space footprint is located within the Borough.”

TRASH STICKER OR STICKER -- A sticker obtained from the Borough Clerk Public Works Department which sticker must be attached to the bulk trash or additional nonbulk trash item which is to be collected by the Borough. The number of stickers required by the Borough for the collection by the Borough of each bulk item shall be calculated in accordance with weights for bulk items-as set forth in the American Movers Conference Joint Military/Industry Table of Weights and Depreciation Guide-official Department of Defense customer moving portal (Move.mil/resources/weight-estimator).”

3. Section 172-10, concerning “Basic” trash service, is amended as follows:

A. The Borough will collect trash once a week from every eligible property, on the day for collection days to be designated for each property by the Public Works Department, ~~non-recyclable trash which has been placed at the curb in one or more approved trash containers.~~ provided the trash has been put in an approved trash container and placed at the curb at the time and in the manner required by this ordinance. The trash collected each week shall not exceed the contents of the approved container or containers with lid closed.

B. ~~The basic trash service shall include the curbside collection of one up to two approved trash containers on collection days from every property owner on the Borough’s tax records for which an individual or separate tax bill is issued by the Borough, as well as from every adjacent property owner who has requested the service and paid the required fee as set forth in Section 172-13 herein. Property owners and adjacent property owners may supplement this basic service by the purchase of an annual license from the Borough authorizing use of one or more additional approved trash containers. The license shall be effective for one year, beginning on July 1 and ending on June 30 of the following calendar year, regardless of the date of purchase. The fee for the license per container shall be determined by the Department of Public Works on an annual basis and approved by Borough Council as part of its budget process.~~

B. (formerly C). The A approved trash containers or containers shall be placed at the curb for collection no later than 7:00 a.m. on the collection day and removed from the curb no later than 9:00 p.m. on the day of collection.

C. (formerly D) If a designated collection day falls on a holiday recognized by the Borough as a holiday for trash collection purposes, then the collection will be done on the next scheduled collection day scheduled in accordance with the calendar published on the Borough website. If on a designated collection day trash collection has to be cancelled on account of weather or other emergency, updates also will be posted to the Borough website. Residents can subscribe on the website for E-Alerts to receive notifications.

- D. (new) Trash should be bagged before being placed in an approved trash container. The container must be placed next to the curb on the street in front of the curb line with the lid completely closed. The handle and wheels of the container should face the house with the lid opening facing the street.
- E. (new) Items not permitted to be placed in an approved trash container include:
- Recyclable materials
 - Bulk trash too large to fit in the approved container
 - Yard waste, such as leaves, grass or brush
 - Hot ash from fireplaces or fire pits
 - Any other hazardous, flammable, combustible materials, such as oil-based paints, solvents, asbestos or commercial medical waste.
- F. (new) Trash permitted to be placed in an approved trash container that cannot fit in the container or containers in any given week shall be retained for a future collection date.
- G. (new) All approved trash containers, including the containers for which the 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.
4. Section 172-11, concerning Bulk trash service, is amended as follows:
- A. The Public Works Department will prepare and make available a list of common acceptable bulk trash, which ~~list~~ shall include the number of bulk stickers required for ~~cost of the~~ collection of the most common bulk trash items.
- B. All items of bulk trash must have affixed to them ~~thereto~~ a sticker or stickers purchased from the Borough ~~Clerk Public Works Department to~~ which will indicate to the ~~actual~~ trash collector that the fee for the said item has been paid. A bulk trash item which does not have affixed thereto a sticker or stickers will not be collected by the Borough.
- C. ~~Non-bulk trash in excess of two approved trash containers on any one collection day shall be considered bulk trash for which a collection sticker will be required for each additional container.~~
- C (formerly D). In computing the cost of collection of bulk trash ~~and additional non-bulk trash~~ the cost shall be based upon the weight of the item, which ~~weight~~ shall be calculated in forty-pound increments. All fractional weights shall be calculated to the next weight increment. By way of example: a fifty-pound item of bulk trash shall be calculated as weighing 80 pounds, and the cost for disposal shall be calculated accordingly.
- D. (formerly E) Persons disposing of bulk trash ~~or additional non-bulk trash~~ must affix the proper number of stickers to the item to be collected at the time it is placed at the curb for collection. "The sticker should be visible to the collector."
- E. (formerly F) The collection fee for bulk household trash ~~or additional non-bulk trash~~ (i.e., sticker prices) shall be as set forth in Chapter 98 of this Code.

F. (new) Bulk trash shall be collected at the curb on the dates specified in the Trash and Recycling Calendar. Bulk trash shall be collected at the same time as non-bulk trash unless otherwise scheduled by the Department of Public Works. Bulk trash must be placed at the curb by 7:00 am on the collection day.

5. Section 172-13 shall be amended as follows:

A. The Borough shall if requested by an adjacent property owner, provide the adjacent property owner with solid waste disposal under the applicable provisions of this ~~Section 172-13~~ Chapter.

B. The adjacent property owner shall pay the Borough for the collection of their ~~his/her~~ solid waste. The fee for said collection is set forth in Chapter 98 of this Code.

C. The Borough shall calculate the fee and shall bill the adjacent property owner at the same time as it bills customers for water and sewer charges. The payment shall be due from the adjacent property owner within 30 days of the billing. If the bill to the adjacent property owner is not paid within 90 days of the date billed, the Borough may suspend the solid waste collection until the fee is paid.

6. Provisions of this Chapter ~~172~~ not expressly amended by this ordinance shall remain unchanged and in full effect.

7. Chapter 98 of the Borough Code, concerning fees, shall be amended at Sec. 98-34, pertaining to trash pickup, as follows:

“Fees for additional approved trash containers as provided by Sec. 172-9 and 10 and for bulk household trash and additional non-bulk trash as required by Sec. 172-11 of this Code shall be:

A. Annual fee for one additional approved trash container pursuant to Sec. 172-9 and 10: \$400.

B. (formerly A) Bulk trash stickers: one sticker per 40 pounds/\$4 each.

~~C. (formerly B) Non-bulk trash pickup in excess of two thirty-gallon trash containers on any one collection day: one sticker per container/\$4 each. No container may exceed 40 pounds.~~

C. Truck rental, if Borough truck is parked at the property overnight or for a weekend: \$200.”

8. Chapter 98 of the Code is further amended at Sec. 98-35, concerning adjacent properties, as follows:

“Fees for trash pickup for non-taxpayers who are adjacent property owners pursuant to Sec. 172-9 and 13 of this Code shall be:

A. Per year for ~~two thirty-gallon~~ one 95-gallon approved containers ~~once twice/week~~: \$400. ~~No container may exceed 40 pounds.~~

B. Per year for one additional approved container collected once/week: an additional \$400. ~~Bulk trash stickers and stickers for pickup in excess of two thirty-gallon containers on any one collection day: one sticker per 40 pounds of bulk items and one sticker per excess container/\$4 each. No container may exceed 40 pounds.~~

9. This Ordinance No. 2021-7 shall be adopted and become effective upon passage and publication as required by law.

Introduced: July 6, 2021
Advertised: July 16, 2021
Public Hearing: _____
Adopted: _____
Published: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

DRAFT

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2021-8**

**AN ORDINANCE IMPLEMENTING AUTOMATED TRASH
COLLECTION AND AMENDING CHAPTER 172 OF THE CODE
OF THE BOROUGH OF PENNINGTON**

RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Chandler	M				Marciante	S			
Gnatt	X				Mills	X			
Gross	X				Semple				absent

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Chandler					Marciante				
Gnatt					Mills				
Gross					Semple				

DR