

**BOROUGH OF PENNINGTON  
ORDINANCE 2009-2**

**ORDINANCE CONCERNING REQUIREMENTS FOR  
COLLECTION OF SOLID WASTE AND AMENDING  
ARTICLE II OF CHAPTER 172 OF THE CODE OF  
THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Code of the Borough of Pennington pertaining to the collection of solid waste presently limits basic trash service to two approved trash containers from each property per collection day, with trash in excess of two approved containers having to be treated as bulk trash for which one or more bulk-trash collection stickers must be purchased from the Borough for each additional container based on weight;

**WHEREAS**, Borough Council seeks to amend these provisions of the Code to provide that property owners may supplement basic trash service by payment of an annual license fee for additional containers;

**WHEREAS**, Borough Code requirements pertaining to trash collection service provide that a person owning a residential property within both the Borough and Hopewell Township on which more than 41 percent of the dwelling on the property is located in Hopewell Township does not qualify for solid waste disposal by the Borough unless the owner requests the service and pays a fee equal to the difference between the Borough's annual cost of collection and the amount of real property taxes paid to the Borough by the property owner;

**WHEREAS**, Borough Council seeks to revise the formula for the fees charged to adjacent property owners for solid waste disposal service;

**WHEREAS**, Borough Council further seeks to amend Article II of Chapter 172 of the Code by deleting redundant references which overlap Article I of Chapter 172, pertaining to recycling;

**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 as follows:<sup>1</sup>

1. Section 172-10 of the Code, concerning basic trash service, is hereby amended to read:

A. The Borough will collect, on days to be designated by the Public Works Department, nonrecyclable trash which has been placed at the curb in one or more [an] approved trash containers.

B. The basic trash service shall include the curbside collection [by the Borough] of up to two approved trash containers [placed] on [a] collection days from every [each] property [as set forth] on the Borough's tax records for which an individual tax bill is issued by the Borough as well as from every adjacent property owner which 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.

C. Approved trash 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. Approved trash containers shall not be placed at the curb prior to 5:00 p.m. on the day prior to the designated collection day.

D. If a designated collection day falls on a holiday recognized by the Borough, then the collection will be done on the next scheduled collection day.

[E. Trash which includes recyclable material will not be collected by the Borough.]

2. Section 172-13 of the Code, concerning adjacent property owners, is hereby amended to read:

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

B. The adjacent property owner shall pay the Borough for the collection of his/her solid waste. The fee for said collection shall be [the difference between] the yearly cost per dwelling [to the Borough] for disposal of single-family dwelling solid waste as determined by the Public Works Department [less] and approved by Borough Council as part of its annual budget process. [the amount of yearly real property taxes paid to the Borough by the adjacent property owner.]

C. The Borough shall calculate the fee and shall bill the adjacent property owner at the same time

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<sup>1</sup>Language to be deleted is denoted by brackets [ ]. New language is underlined \_\_\_\_\_.

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.

3. Section 172-14 of the Code, concerning participation in mandatory recycling, is hereby amended to read:

[A.] All property owners and participating adjacent property owners shall [separate aluminum and bimetal cans, glass, newspapers, cardboard and plastic, plants, trees and branches, leaves and other yard waste, exclusive of grass clippings, from all other solid waste and shall] participate in the recycling program adopted [from time to time by the Borough] in Article I of this chapter.

[B. It shall be a violation of this article for any person unauthorized by the Borough to collect, pick up or cause to be collected or picked up any designated mandatory recycling material. Any collection of recycling material in violation of this article shall constitute a separate offense.]

4. Section 172-17 of the Code, concerning violations and penalties, shall be amended to read as follows:

Any person who violates or neglects to comply with any provisions of this article or any regulation promulgated pursuant thereto shall receive at least one warning before an enforcement action is brought but thereafter shall [,upon conviction thereof,] 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.] each day the violation continues to constitute a separate offense.

5. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

6. This ordinance shall become effective upon adoption and publication thereof as provided by law.

Introduced: February 2, 2009

Advertised: February 12, 2009

Public Hearing: March 9, 2009

Adoption: March 9, 2009

Advertised: March 19, 2009

ATTEST:

APPROVED:

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Elizabeth Sterling, Borough Clerk

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Anthony Persichilli, Mayor