

## ORDINANCE 2025-12

### ORDINANCE ADOPTING AMENDMENTS TO ARTICLES I, II, AND III OF CHAPTER 106, "GARBAGE, RUBBISH, REFUSE, AND RECYCLING," OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the Borough of Kenilworth ("Borough") regulates the disposal of garbage, rubbish, refuse, and recycling materials pursuant to Chapter 106 of the Borough Code; and

**WHEREAS**, the Borough wishes to include Scrap Metal within the definition of Bulk Waste and to clarify that Scrap Metal shall not be subject to the five-item Bulk Waste limitation, and to identify what types of receptacles may be used to dispose of recyclable materials; and

**WHEREAS**, the Borough has determined that it is in the best interest of the Borough to amend the Borough Code to include Scrap Metal within the definition of Bulk Waste and to clarify that Scrap Metal shall not be subject to the five-item Bulk Waste limitation, and to identify what types of receptacles may be used to dispose of recyclable materials; and

**WHEREAS**, the Borough now wishes to adopt the within ordinance amending Chapter 106 of the Borough Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey as follows:

**SECTION 1.** The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** Chapter 106 "Garbage, Rubbish, Refuse, and Recycling," Article I "Collection and Removal" of the Borough Code shall be amended as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as strikethrough.

#### **§ 106-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BULK WASTE** - A form of waste, which refers to large, discarded items generated from a residential use within the Borough of Kenilworth, that are too big to fit into a standard 30 Gallon container or receptacle, such as but not limited to the following items: furniture, area rugs, mattresses, box springs, counter tops, and cabinets. **Scrap metal, with the exception of large appliances and any appliances containing Freon, shall be included within the definition of Bulk Waste.** Further, items that are considered Designated Recyclable Material or Recyclable Material pursuant to §106-11 are not defined as Bulk Waste and shall not be collected as part of the Borough's Bulk Waste Collection program.

**SECTION 3.** Chapter 106 “Garbage, Rubbish, Refuse, and Recycling,” Article II “Mandatory Recycling” of the Borough Code shall be amended as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as strikethrough.

**§ 106-13. Collection of recyclable materials.**

The collection of recyclable material shall be in the manner prescribed as follows:

- A. All ~~containers~~ **receptacles** and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above any time after 5:00 p.m. of the day immediately preceding the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:30 p.m. of the day of collection.
  
- B. All receptacles or dumpsters shall be kept clean and maintained in a safe manner, **Each receptacle for use in a single-family residence for the recycling of Designated Recyclable Materials and Recyclable Materials, as the terms are defined, shall have a capacity of not less than 20 gallons nor more than 32 gallons and be equipped with a pull handle or handles. A receptacle is permitted to exceed 32 gallons in size only if it is equipped with a minimum of two (2) wheels and a pull handle. The total weight of any receptacle shall not exceed 75 pounds.**

**SECTION 4.** Chapter 106 “Garbage, Rubbish, Refuse, and Recycling,” Article III “Bulk Waste Pickup” of the Borough Code shall be amended as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as strikethrough.

**§106-22. Collections Schedule; limitations on bulk waste items.**

- A. The Governing Body shall annually, at its Reorganization Meeting, determine the Bulk Waste pickup schedule for the calendar year, which schedule shall be published to the Borough website, posted conspicuously at Borough Hall, and made available to the public by contacting the Department of Public Works for a copy of the schedule. If bulk waste pickup is not completed on a scheduled Friday, collections will resume on the following day, Saturday. If Bulk Waste collection falls on a regularly scheduled holiday, as determined by the Governing Body through official action, Bulk Waste collection shall be rescheduled for and occur on the same day of the following week.
  
- B. Each household is limited to no more than five (5) Bulk Waste items per pickup. Accordingly, no more than five (5) Bulk Waste items shall be placed outside for collection at a given time. If there are more than five (5) items placed outside for collection, the DPW will take the first five (5) items, based on operational capacity. **Scrap metal, although defined as Bulk Waste, shall not be subject to the five (5) item limitation set forth herein.**

- C. Bulk Waste shall be placed between the curb and the sidewalk, or in the absence of a curb and/or sidewalk, as near to the street as not to constitute a danger, where such Bulk Waste shall be readily accessible to the collector without providing obstruction to pedestrians. In no event shall Bulk Waste be located more than ten (10) feet from a curb and, if there is no curb, from the property line. The owner or occupant of the premises shall provide a clear and unencumbered path of access from the street to the Bulk Waste.
- D. Residents can put Bulk Waste items out for collection no earlier than 6:00 P.M. the day before collection.

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

**SECTION 6.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 7.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

  
Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION				
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.
		X				PATRICK BOYLE		X	X		
					X	JOSEPH FINISTRELLA			X		
		X				TONI GIORDANO PICERNO			X		
X		X				WILLIAM MAURO			X		
	X	X				DOUGLAS PIPER	X		X		
		X				SAVINO SCORESE			X		
Introduced: July 2, 2025			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.								
Final Adoption: August 20, 2025			 Laura Reinertsen, Borough Clerk								

