

ORDINANCE 2008-1073

AN ORDINANCE TO REGULATE THE COLLECTION AND DISPOSAL OF BULK TRASH ITEMS, GARBAGE, MUNICIPAL WASTE AND SOLID WASTE WITHIN THE BOROUGH OF MANVILLE.

SECTION 1. PURPOSE

The purposes of this Article are:

- a) to repeal Ordinances 692 and 95-833 in their entirety;
- b) to provide a means for collection and disposal of bulk trash items, garbage, municipal waste and solid waste;
- c) to fix fines and penalties for violations of this ordinance.

SECTION 2. DEFINITIONS

For the purpose of this article, the terms used herein are defined as follows:

ASHES- The residue from fires used for cooking and heating fires within residential units.

BULK TRASH ITEMS- Any large, heavy and/or bulky household appliances free of freon, carpeting, furniture and furnishings which cannot easily and safely be placed in the common collection vehicle used for removal of solid waste within the Borough of Manville.

BUSINESS AND PROFESSIONAL USER- Business establishment conducting a business, whether for pecuniary profit or not for pecuniary profit, and limited to the quantity of solid waste as specified in the Ordinance, as well as the frequency and time of garbage pickup, which shall be determined by the Director of Public Works Department from time to time.

CONSTRUCTION DEBRIS- Any scrap lumber, metal, earth, sand, bricks, stone, plaster, roofing and siding material and other debris of a similar nature which accumulates and is incidental to the construction of renovation of homes, buildings, public works or other projects.

DWELLING UNIT- Shall include only single family house, multi-family house, apartment, condominium, or townhouse units or other living units which are not defined as an excluded user in this Ordinance.

EXCLUDED USER- Any type of industrial/commercial user, hotel, shopping centers.

GARBAGE - Includes ashes, municipal waste and solid waste. The term trash when used herein is the same as the term garbage.

GRASS CLIPPINGS - Constitutes that material which originates from cutting/mowing of lawns.

HAZARDOUS WASTE- All waste which is deemed to be chemical waste, hazardous waste or infectious waste, as defined by N.J.S.A 7:26-1.4, and which shall include but not be limited to wastes which are flammable, corrosive or explosive or which, by themselves or in combinations with other waste, would be hazardous to life or property.

HOLIDAYS- Shall be advertised yearly by the Director of Public Works in the paper of record.

INCLUDED USER - Business and professional users, income producing units, residential users and schools.

INCOME PRODUCING UNITS- Shall be any apartments, rooms, commercial units, professional offices or suites, which are rented or available to rent to persons other than the owner(s) and facilities rented for meetings and entertainment.

MUNICIPAL WASTE - Waste originating in the community consisting of household waste from private residences.

RECYCLABLE MATERIALS- Shall include but are not limited to glass containers, plastic bottles, newspapers, periodicals, cardboard, all other wastepaper, aluminum cans, steel cans and corrugated paper.

RESIDENTIAL USER- All dwelling units as defined herein, all of which are used for residential purposes.

SOLID WASTE- Any animal or vegetable waste solids resulting from the handling, preparation, cooking or consumption of foods.

SOLID WASTE COLLECTION CONTRACTOR- A person or firm for hire, properly licensed in the State of New Jersey for the purpose of collection of solid waste and solid waste materials, specifically excluded are recyclable materials.

TIRES- Discarded rubber tires originally used on vehicle wheels.

TRADE WASTE- All material resulting from the prosecution of any business, trade or industry, whether or not conducted for profit, and shall include paper, rags, leather, rubber, cartons, boxes, wood, sawdust, garbage, combustible solids, except manure, metals, metal shavings, wire, tin cans, cinders and other materials exclusive of wastes resulting from building construction or alteration work.

WASTE MATERIAL- Includes any and all garbage, refuse, paper, ashes and waste from building construction or alteration work, regardless of how originating, and shall also include cellar or yard dirt.

YARD WASTE - Branches, twigs, leaves and other plant materials, free of grass clippings.

SECTION 3. INCLUDED USERS AND CHARGES

A. The Borough of Manville will make available, to all included users, bulk trash stickers.

B. Bulk trash stickers will be purchased through the Borough Clerk's Office during regular business hours.

C. Each bulk trash sticker shall cost \$2.00. This cost may be amended from time to time by the Mayor and Borough Council to reflect additional costs associated with the removal and disposal of bulk trash.

D. Bulk trash stickers must be used in accordance with a schedule of items announced by the Borough of Manville. This schedule may be amended from time to time by the Mayor and Borough Council.

SECTION 4- EXCLUDED USERS

A. Every excluded user shall be responsible for the lawful collection and disposal of its bulk trash items, construction debris, garbage, hazardous waste, trade waste, waste material and any form of solid waste through the services of a solid waste collection contractor.

B. Nothing in this section shall supercede the provisions of N.J.S.A 48:13 et seq. and N.J.S.A 13:1 et seq.

SECTION 5. RESPONSIBILITIES FOR COLLECTION AND DISPOSAL

A. Every included user placing garbage, exclusive of recyclable material, ashes, grass clippings for collection shall be located within the boundaries of the Borough of Manville and are subject to the rules and regulations set forth within this Article.

B. Disposal of trade waste, waste material, construction debris, and hazardous waste shall be the responsibility of the property owner or his agent, the construction contractor or the producer thereof to have the construction debris and/or trade waste, waste material and hazardous waste removed and disposed of at his expense by a properly licensed waste collection contractor, and the Borough of Manville shall not be responsible thereof.

C. The Borough of Manville shall not be responsible to furnish collection vehicles or personnel to remove and dispose of solid waste of excluded users within the Borough of Manville.

D. Any user that elects to use or is required to use a private collector, must use a duly licensed and approved disposal service as dictated by the New Jersey Department of Environmental Protection.

SECTION 6. PREPARATION FOR COLLECTIONS; INTERFERENCE WITH COLLECTOR.

A. Preparation of collection.

- (1) Containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in a clean, safe and good condition. Any container that does not conform to the provision of this Article or that may have jagged or sharp edges or any defect liable to hamper or injure the person collecting the contents thereof shall not be utilized. The collector shall have authority to refuse collection services for failure to comply herewith.
- (2) Appropriate containers.
 - (a) The containers shall be galvanized or plastic composition, shall not exceed forty-five(45) gallons in capacity, shall be no heavier than forty (40) pounds when filled, shall have a lid or cover and shall have (2) sturdy handles.
 - (b) Plastic bags not less than two (2) mils thick and containing thirty-five (35) pounds or less of garbage and properly tied.
- (3) All garbage shall be thoroughly and completely drained of all liquids, placed securely in paper or plastic and placed in a receptacle as herein before set forth.
- (4) All non-recyclable broken glass or any other dangerous materials shall be placed in a secure container to facilitate safe loading of broken glass or other dangerous material.

- (5) All ashes shall be placed in a container covered in such a manner as to prevent contents of the container from becoming wet due to rain or snow. Ashes shall be cold and free from hot coals to prevent possibility of fire and the container with the ashes shall not exceed thirty (30)pounds in weight.
- (6) Ashes, grass clippings and yard waste will not be collected as part of the regular garbage pick-up. These items may be collected as part of a special program established by the Borough.
- (7) No person shall place on the curb or anywhere else for purpose of collection any explosive or highly flammable materials or hazardous waste, or paint. No person shall place in any receptacle, any garbage, refuse or any other material which could be injurious to the collectors of the municipality.
- (8) The Borough of Manville through its Public Works Department, will not be responsible for the collection of excessively bulky items such as motor engine blocks, automobiles, bodies or portions thereof, truck bodies or parts, and other such items not ordinarily collected.
- (9) Arrangement of work done by a private contractor for disposal of trees and stumps shall be made by the owner, occupant or person in control of the premises and shall not be collected by the Borough of Manville.
- (10) Each container of garbage shall be placed on level ground or surface by the property owner, tenant or other person placing garbage for collection, or from whose property such garbage is proposed to be collected, so that it does not easily upset.
- (11) If any container of garbage is upset or overturned other than by the Borough employees engaged in garbage or refuse collection, the property owner, tenant, or other person placing the garbage for municipal collection shall promptly clean up such spill of garbage and restore it to a suitable container as defined herein before.
- (12) No person shall place any of the items referred to in this Article for collection in any street or highway, either for collection by municipality or private disposal.
- (13) If any Borough employee in the course of his duties observes non-compliance with any of the regulations of this Article, he shall immediately notify the tenant or land owner of non-compliance and the reason for not making the collection. Such notice may be given personally or by written statement left on the premises. Each such instance of non-collection shall be reported to the Borough Director of Public Works by the person in charge of the particular truck not making the collections.
- (14) Paper drums or plywood drums shall not be utilized for the storage of garbage, refuse or ash, and containers of this type will be collected by the municipality and disposed of.
- (15) It shall be the obligation of the residential user to place such material in such quantity and in such a manner as not to create a public health nuisance or safety hazard.
- (16) No trash or garbage shall be deposited upon any public street nor any other public place except at the curb in front of his residence or place of business for collection by the municipality in accordance herewith.

- (17) Receptacles by excluded users utilizing a private Solid Waste Collection Contractor must meet the minimum requirements as set forth herein. However, said receptacles can be larger in size, so long as they are covered to prevent any refuse from being scattered about by the wind or other elements, are rodent proof, are cleaned and sanitized as required and are conveniently located on the premises for storage of refuse and are maintained in such a manner as to prevent creation of a nuisance or menace to the public health. Excluded users shall arrange to have refuse removed daily unless suitable facilities are provided for the storage of solid waste until its removal.
- (18) Any solid waste placed at the curb shall be placed in such a manner as not to create a public nuisance and safety hazard.
- (19) The solid waste contractor shall not be required to make garbage or trash collection from the premises of any residential user whereon a dog is permitted to run loose.
- (20) The Mayor and council may amend from time to time the types of items to be accepted accordance with this ordinance.

B. No person or persons shall prevent or interfere with any agent, servant, or employee of the Borough or any authorized contractor or collector of garbage, trash or refuse, or with his employees engaged in the discharge of their duties, in the sweeping or cleaning of any street or removal there from of sweepings, ashes, garbage, or other refuse materials.

SECTION 7. QUANTITY OF CONTAINERS

A. From time to time, as determined by resolution of the Mayor and Borough Council, the number of full containers of trash or garbage bags, which shall be collected from any residential, commercial or industrial unit in the Borough of Manville, shall be fixed in the event more than one residential or commercial unit is legally and properly located in any one building, the resolution shall provide for the number of containers to be collected per each unit.

The number of full containers of trash or garbage bags which shall be allowable (initially) shall be set forth on the attached Schedule "A". In the event that any user wishes to exceed their limit of garbage pickup in any one week, the user must place a sticker on each additional bag which is placed for collection or if an additional container is placed for container, the sticker must be placed upon the top of the item in the container in a readily visible location. Any additional garbage bags will not exceed twenty-five (25) pounds per container. Any garbage in excess of the allowable limit which does not contain a sticker, will not be picked up by the Borough or its collection contractor.

B. The initial price of a sticker for additional garbage bags shall be \$2.00. The price for the sticker maybe amended from time to time by the Mayor and Council.

C. Stickers for additional garbage bags may be purchased at the Office of the Borough Clerk during normal business hours.

D. If any user requests that bulk trash items as defined in section 2 above, be picked up by the Borough or its Collection Contractor, in accordance with Section 3 of this ordinance, the user shall be responsible to place the proper amount of bulk trash stickers on the bulk item prior to its pickup. Any bulk trash item not containing the proper number of stickers will not be picked up by the Borough or its Collection Contractor. The cost of the bulk trash stickers shall be in accordance with Section 3 of this ordinance. The number of stickers per bulk item shall be in

accordance with the attached schedule "B" which may be amended by the Mayor and Council from time to time.

SECTION 8. COLLECTION SCHEDULES

A. Collection from residential users shall be in accordance with a schedule announced by the Borough of Manville. This schedule may be amended, from time to time by the Mayor and Council.

B. Bulk trash items, in accordance with Section 3 of this Ordinance, will be picked up on the 1st and 3rd Tuesday of each month. This schedule may be amended, from time to time.

SECTION 9. SET-OUT TIME

For collection pursuant to a schedule announced by the Borough of Manville approved containers must be placed at the curb line where easily accessible. No containers shall be set out prior to 5:00 PM on the day prior to collection. And all containers shall be removed by 8:00 PM on the collection day. When a regular collection day falls on a legal holiday, containers shall be set out for pick-up on the holiday scheduled pickup date.

SECTION 10. RESTRICTION ON COLLECTORS.

(A) Collection shall be done in a quiet and orderly manner in compliance with all applicable statutes and noise Ordinances within the Borough of Manville.

(B) All solid waste collection contractors shall comply with the ordinances of the Borough and rules and regulations and orders of the Borough of Manville as well as all applicable State, County and Federal laws and regulations.

(C) All vehicles of solid waste collection contractors shall be of a closed type and of such construction and loaded in such a fashion that no part of the contents shall fall, leak or spill there from.

SECTION 11. PLACEMENT FOR COLLECTION.

(A) All materials set or placed for collection shall be set along the curb line and shall not be set or placed in any gutter road or on any walk, sidewalk or public thoroughfare so as to interfere with public travel.

(B) Municipal collectors of solid waste are prohibited from entering upon any unaccepted lands, streets, service, service areas, driveways or alleys or any privately owned buildings or portion of any such buildings for the purpose of removing refuse materials to the curb, and if solid waste of residential users is not placed in accordance with this Article, municipal collector will not accept the waste for collection.

(C) When it shall appear to be more efficient for collection by the municipality, the municipality, upon written request or permission by the owner, may authorize Borough collectors to enter upon and collect garbage and refuse placed at the curb line or sideline of such unaccepted streets, lanes, alleys, driveways, service areas or other thoroughfare areas as it may designate, subject to such conditions as it may impose. Such collection service shall not, however, be construed to be an acceptance of any such unaccepted thoroughfare or area.

SECTION 12. TRANSPORTATION FROM OUTSIDE MUNICIPALITY

(A) No person shall bring, cart, remove, transport or collect any solid waste, whether garbage, paper, ashes, rubbish, waste material, construction debris, bulk items, hazardous waste or trade from outside this municipality for purpose of dumping or disposing thereof.

(B) No person shall bring, cart, remove, transport or collect any trade waste, waste materials, construction debris, hazardous waste or bulk items from excluded user and place for collection with the solid waste of a residential user. When residential users and excluded users are located on the same premises the solid waste shall be disposed of separately and in accordance with this Article.

SECTION 13. VIOLATIONS AND PENALTIES.

(A) Any person violating any provisions of this Article shall be subject to a fine not exceeding twenty-five hundred dollars (\$2,500.00) or imprisonment in the county jail for a term not exceeding thirty (30) days, or both. However, where the penalty for such offense may be limited by a state statute, then such limitations shall be applicable notwithstanding the provisions of this Article.

(B) Each and every violation of this article or each and every day that any provisions of this Article shall be violated, shall be construed as a separate and distinct violation thereof.

SECTION 14. POWERS TO ENFORCE.

(A) This ordinance shall be enforced by the Borough Director of Public Works or the Health Officer or any of their authorized representatives or any Police Officer as directed by the Health Department or Borough Administrator.

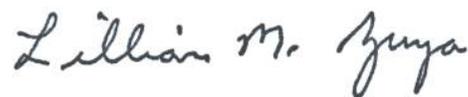
SECTION 15. REPEAL OF PREVIOUS ORDINANCES

Ordinances #692 and 95-833 are hereby repealed in their entirety and all other ordinances or parts thereof inconsistent with this ordinance shall be and the same are hereby repealed.

SECTION 16. DISCLAIMER.

(A) In the event that any section, sentence or clause of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

BOROUGH OF MANVILLE



Lillian M. Zuza, Mayor

ATTEST:



Philip E. Petrone, Borough Clerk

SCHEDULE "A"

Each unit or user shall be permitted three (3) containers of trash or garbage bags per garbage pickup, as defined in Sections 2 (TWO) and 7 (SEVEN) of this ordinance until and unless this provision is modified by resolution of the Mayor and Council.

Any bags of garbage in excess of three (3) must contain a sticker, as described and defined in Section 7 (SEVEN) of this ordinance.

SCHEDULE "B"

Accepted Bulk Items with # of stickers required:

<u>ITEMS</u>	Appliances - Small	1	Kitchen Table (disassembled)	3	<u>"NOT"</u>
	Bath Tub (fiberglass)	4	Lamp - Table	1	
	Bath Tub (porcelain)	8	Mattress	3	
	Bicycle	1	Sink (porcelain)	6	
	Box Spring	3	Sink (stainless)	3	
	Carpet (10' x 12' section)	4	Sofa	4	
	Chair - Folding	1	Soft Bed	6	
	Chair or Recliner	4	Stove	6	
	Dishwasher	4	Table - End, Coffee, Folding	3	
	Dresser	6	Toilet	3	
	Exercise Equipment	3	Wall or Floor Unit	3	
	File Cabinet	4	Washer	6	
	Gas Grill (no tank)	3	Miscellaneous - Maximum	1	
			25#		
	Hot Water Heater	6			

ACCEPTED:

- Car parts, tires, or batteries.
- Hazardous Waste - motor oil, anti-freeze, propane tanks, fluorescent tubes, oil-based paint or chemicals.
- Masonry Items - concrete, brick, block, or stone. Also dirt is not accepted.
- Medical Waste - contact a local hospital for information on the "Safe Syringe Program".
- Recyclable Items - as outlined in the Annual County Recycling Schedule.
- Renovation/Remodeling Debris - lumber, tile, siding, roofing materials.
- Any household appliances containing Freon.

ORDINANCE #2008-1073

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		KOMOROSKI	√			
		OTRIMSKI	√			
	√	PETROCK	√			
√		QUICK	√			
		SZABO	√			
		MAYOR ZUZA				

PASSED this 10th day of November, 2008.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		KOMOROSKI	√			
		OTRIMSKI	√			
	√	PETROCK	√			
√		QUICK	√			
		SZABO	√			
		MAYOR ZUZA				

PASSED this 24th day of November, 2008.

Attest:

Philip E. Petrone, Borough Clerk