

ORDINANCE 21-11
AN ORDINANCE ESTABLISHING SECTION 16-5, SOLID WASTE
COLLECTION AND DISPOSAL, CHAPTER XVI, AND AMENDING SECTION 16-6,
MANDATORY SEPARATION OF RECYCLABLE MATERIALS FOR COLLECTION
AND RECYCLING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF KEYPORT

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF
KEYPORT AS FOLLOWS:

SECTION I.

16-5 DISPOSAL AND COLLECTION OF SOLID WASTE

16-5.1 PURPOSE

The Mayor and Council have determined that it is necessary to revise and update ordinances to eliminate inconsistencies, to properly identify the solid waste to be collected and to more clearly identify those items which must be recycled in accordance with ordinances established by the Borough of Keyport in accordance with state mandates. The public interest requires that residents and businesses comply with recycling laws and mandates to reduce the flow of recyclable items into landfills. Enforcement of solid waste disposal and recycling regulations further protects the health and safety of the residents of Keyport.

16-5.2 DEFINITIONS.

As used in this section, the following words shall be defined as follows:

“Apartments, Condominiums or Townhouses” shall mean a building complex comprised of four (4) or more units consisting of one or more rooms designed with a private bath and kitchen facilities comprising an independent self contained dwelling unit, for which common solid waste collection and recycling is provided through a central collection site by use of dumpsters and other receptacles for the collection of recyclable materials.

"Bulk or Bulk Items" shall mean household objects such as furniture, plumbing fixtures, toilets, bath tubs, sinks, lawn care machinery, hot water tanks, rugs/carpets and floor pads not greater in dimension than 10' x 12', lamps, upholstered couches and chairs, lawn furniture, plastic toys, pet items, file cabinets, ironing boards, gym sets, mattresses, box springs, untreated lumber in fifty (50) pound bundles no longer than six (6) feet, and any other item normally found in the home which is not in whole or in part a "covered electronic device" as defined by the "Electronic Waste Management Act," N.J.S.A. 13:1E-99.94, *et seq.*, or otherwise barred from disposal as solid waste by State or Federal statute or regulation.

“Commercial Properties” shall mean all commercial properties including, but not limited to, stores, offices, factories, restaurants, taverns, bars, hotels, motels, nursing homes, fast food complexes, convenience stores, car dealerships, service stations, shops, marinas, industrial plants and any type of property which is income producing situate on an individual parcel within the Borough of Keyport.

“Fixed-contour containers” shall mean containers with a designed shape and volume, whether constructed of rigid material or plastic or other flexible material, equipped with tight-fitting covers, of an approved type with handles and tapered sides. The container must be vermin resistant. The total capacity of each such container shall not exceed fifty (50) gallons. The loaded weight of each container and its contents shall not exceed fifty (50) pounds. Plastic bags are non-compliant and may not be used except when placed in a fixed-contour container, dumpster or other solid waste receptacle.

“Garbage” shall mean all animal and vegetable waste from any kitchen, market, store or retail establishment within the Borough of Keyport, or any other type of waste, which due to animal or vegetable content, may decompose, spoil or otherwise cause odor and thus create a hazard to public health within the Borough of Keyport.

“Mixed Use Properties” shall mean the combination or development of commercial structures and residential structures within the same individual parcel which shall generally contain commercial establishments on the ground floor and residential apartments or units located above the commercial establishment on the same parcel of land.

“Parcel” shall mean an individual lot or contiguous lots occupied by one or more commercial establishments and/or commercial establishments with residential units as a mixed use. For the purpose of this ordinance, each parcel shall be limited to a specified number of containers for solid waste collection by the Borough of Keyport.

“Recyclable Materials” shall mean those materials identified for mandatory separation and recycling pursuant to Section 16-6 of this Chapter or mandated to be separated and recycled by any state, county or municipal statute, ordinance or regulation.

"Regular collection" shall mean the regularly scheduled weekly collection of discarded materials generally including garbage, refuse and other materials not specifically regulated, controlled, prohibited or mandated to be separated and recycled by any statute, regulation or ordinance.

“Refuse” shall mean other materials generally found in a residential dwelling or abode or a commercial establishment, which is not otherwise deemed recyclable under Section 16-6 of this Chapter or other materials that are excluded from regular collection by statute, regulation or ordinance..

“Residential Property” shall mean a dwelling house including the lot or parcel of land on which the dwelling is situated which dwelling is functionally designed for the use and enjoyment of not more than three (3) families. A "family" is an individual or individuals, whether related or not, who reside in a unit consisting of one or more rooms designed with a private bath and kitchen facilities comprising an independent self contained dwelling unit, This class shall not include apartments, condominiums, townhouses, commercial properties, mixed use properties, residential properties of four (4) or more such units or other types of multi-family dwellings including hotels, motels, boarding homes or shelters.

“Solid Waste” means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials which are disposed of through waste collection either publicly or privately, except for those materials identified for mandatory separation and recycling pursuant to Section 16-6 of this Chapter or mandated to be separated and recycled by any state, county or municipal statute, ordinance or regulation or other materials that are excluded from regular collection by statute, regulation or ordinance.

16-5.3 REQUIREMENTS.

16-5.3(1) Residential Property. Every person placing garbage, refuse or solid waste for collection by the Borough of Keyport from, or in connection with a residential property or residential unit shall, in addition to complying with any State, County or Municipal Recycling Codes, comply with the following requirements:

a. Garbage, refuse or other materials permitted for regular collection shall be placed in fixed-contour containers equipped with tight-fitting covers and shall be of an approved type with handles and tapered sides. The container must be vermin resistant. No more than three (3) containers per residential unit shall be placed out for Municipal

collection. Regardless of the number of residential units in the property the total number of containers placed for curbside collection shall not exceed six. The owner or manager of a residential property containing two or three units shall be responsible for clearly marking each container by numbers or letters at least one half (½) inch wide by six (6) inches high to identify the unit whose garbage it contains. The total capacity of each such container shall not exceed fifty (50) gallons. The loaded weight of each container and its contents shall not exceed fifty (50) pounds. Garbage in plastic bags or non-compliant containers shall not be collected.

b. Garbage, refuse or other materials permitted for regular collection shall be accepted for public collection on dates specified and fixed by the Borough of Keyport.

c. Recyclable materials as defined in Section 16-6.2 of this Chapter, including aluminum, batteries, corrugated cardboard, glass, high grade paper, junk mail, leaves, newspapers, plastic containers, tin and bi-metal cans, tires and white metals shall not be subject to regular collection or pick-up as part of garbage collection. These items shall be placed for collection as directed for each class of recyclable materials.

d. Bulk items shall be collected in accordance with a schedule established by the Mayor and Council for collection of bulk items. Bulk items shall not be placed for collection prior to 4:00 p.m. of the day prior to the scheduled collection.

e. Construction debris as defined in Section 16-3.1 of this Chapter shall not be subject to regular collection and pick-up as part of garbage collection.

f. Dangerous Materials as defined in Section 16-5.5 shall not be subject to regular collection and pick-up as part of garbage collection and shall not be placed in any dumpster or container for collection.

g. When not placed for collection or disposal, all receptacles or cans used for the storage of solid waste, garbage, refuse or recyclable materials shall be properly stored by each residential property owner, tenant or occupant. Said receptacles or cans shall not be stored in any front yard area. The area used for storage of containers for solid waste, garbage, refuse and recyclable materials shall be either the interior of the residential property or garage or in rear of the residential property, or if stored in a side yard such containers shall be screened from public view.

h. Residential property serviced by a dumpster shall be subject to the regulations for apartments, condominiums and townhouses.

16-5.3(2) Apartments, Condominiums or Townhouses. Every person placing garbage, refuse or solid waste for collection by the Borough of Keyport from, or in connection with, an apartment, condominium or townhouse shall, in addition to complying with any State, County or Municipal Recycling Codes, comply with the following requirements:

a. All normal household garbage, refuse or other materials permitted for regular collection shall be deposited in a central collection site which utilizes a dumpster(s) or other receptacle(s) for municipal garbage collection, which collection shall occur on dates specified by the Borough of Keyport.

b. Each dumpster or receptacle shall have a closely fitted and secure lid in order to prevent the spread of noxious odors, seepage or decay or the infestation by vermin or disturbance by other animals. Upon placement of solid waste, garbage or refuse within the dumpster or other receptacle, each resident shall ensure that the lid is securely closed.

c. Recyclable materials as defined in Section 16-6.2 of this Chapter, including aluminum, batteries, corrugated cardboard, glass, high grade paper, junk mail, leaves, newspapers, plastic containers, tin and bi-metal cans, tires and white metals shall not be subject to regular collection or pick-up as part of garbage collection. These

items shall be placed at the central collection site in receptacles labeled for recyclable materials for collection as directed for each class of recyclable materials

d. Bulk items shall be placed in a central location to be collected in accordance with a schedule established by the Mayor and Council for collection of bulk items. Bulk items shall not be placed for collection prior to 4:00 p.m. of the day prior to the scheduled collection.

e. Construction debris as defined in Section 16-3.1 of this Chapter shall not be subject to regular collection and pick-up as part of garbage collection and shall not be placed in any dumpster or receptacle for collection.

f. The location of the central collection site for the placement of dumpsters and other receptacles used for the collection of solid waste, garbage, refuse and recyclable materials and as the collection point for bulk items shall be selected by the apartment, condominium or townhouse complex with the approval of the Borough of Keyport. The location shall be sufficient to accommodate a dumpster or other receptacles used in the collection of solid waste, garbage and refuse and to accommodate the disposal of bulk items. The location shall further permit sufficient access to vehicles used in the collection of the disposed items. Nothing herein shall prohibit the location of multiple central collection sites provided each site is accessible to vehicles for the collection of the disposed materials.

g. The area used for such storage of dumpsters and other receptacles shall be screened by a solid fence, which shall be maintained in good repair, or a row of plantings not less than forty-eight (48) inches high. A gate shall be installed and maintained to control access to the storage area. All dumpsters or receptacles shall be placed on a concrete, mortared brick or stone, or blacktop pad or other impervious service.

h. Dangerous Materials as defined in Section 16-5.5 shall not be subject to regular collection and pick-up as part of garbage collection and shall not be placed in any dumpster or container for collection.

i. Any apartment, condominium or townhouse complex which does not utilize a central collection site shall submit a plan for the location of containers to be used to dispose of solid waste, garbage, refuse, bulk items and recyclable materials to the Property Maintenance Officer who shall review these plans in consultation with the Health Inspector, Recycling Coordinator, Code Enforcement Officer and Construction Official, as appropriate. The plan shall provide for collection in accordance with the standards for residential properties set forth in Section 16:5-3.1. The plan must ensure that the containers do not interfere with public travel whether vehicular or pedestrian and do not create an unsightly clutter along the public street. Regardless of the number of residential units in the complex the total number of containers placed for curbside collection shall not exceed (6) six. The owner or manager of a residential property containing four or more units shall be responsible for clearly marking each container by numbers or letters at least one half ($\frac{1}{2}$) inch wide by six (6) inches high to identify the unit whose garbage it contains. This subparagraph does not apply to an apartment which meets the definition of mixed use which shall dispose of solid waste, garbage, refuse, bulk items and recyclable materials in accordance with Section 16:5-3.3.

j. Owners, landlords or managers of apartments, condominiums or townhouses may enter into private contracts for the collection of any class of solid waste without forfeiting the right to municipal collection of other classes of solid waste.

16-5.3(3) Commercial and Mixed Use. Every person placing garbage, refuse or solid waste for collection by the Borough of Keyport from, or in connection with, commercial properties and/or mixed use properties shall, in addition to complying with any State, County or Municipal Recycling Codes, comply with the following requirements:

a. Garbage, refuse or other materials permitted for regular collection shall be placed in fixed-contour containers equipped with tight-fitting covers and shall be of an approved type with handles and tapered sides. The container must be vermin resistant. No more than four (4) containers per business or commercial unit shall be placed out for Municipal collection. If there is more than one business, commercial or residential units in the building an additional two containers may be placed for curbside collection, but the total number of containers per parcel shall not exceed six(6). The owner or manager of a property containing more than one unit shall be responsible for clearly marking each container by numbers or letters at least one half (½) inch wide by six (6) inches high to identify the unit whose garbage it contains. The total capacity of each such container shall not exceed fifty (50) gallons. The loaded weight of each container and its contents shall not exceed fifty (50) pounds. Garbage in plastic bags or non-compliant containers shall not be collected.

b. Commercial properties and mixed use properties who exceed the maximum allowance of six (6) fifty gallon containers per collection day shall be required to obtain a dumpster or other similar receptacle for the purpose of the collection and disposal of garbage, refuse and solid waste, at the sole cost and expense of the property owner, landlord, tenant or occupant.

c. Recyclable materials as defined in Section 16-6.2 of this Chapter, including aluminum, batteries, corrugated cardboard, glass, high grade paper, junk mail, leaves, newspapers, plastic containers, tin and bi-metal cans, tires and white metals shall not be subject to regular collection or pick-up as part of garbage collection. These items shall be placed for collection as directed for each class of recyclable materials.

d. The owner or landlord of a commercial property or mixed use property shall be required to provide adequate containers for the collection of solid waste, garbage, refuse and recyclable materials and shall maintain those receptacles, containers or dumpsters in good condition in accordance with the provisions of this title.

e. Each commercial property or mixed use property shall provide a location for the storage of any receptacle used in the collection and storage of solid waste, garbage, refuse or recyclable materials for all commercial establishments and/or residential units located on each parcel, which location shall be on the side or rear of the parcel. In the event a dumpster is utilized by the commercial property or mixed used property for collection, the location of such shall be on the side or rear of the parcel and shall permit sufficient access to vehicles used in the collections of the within solid waste, garbage, refuse or recyclable materials. Nothing herein shall prohibit the owner of a commercial property or mixed use property from entering into an agreement for the private collection of solid waste or recyclable materials.

f. Each commercial property or mixed use property which provides an area for the storage of dumpsters or receptacles used in the connection with the storage and disposal of solid waste, garbage, refuse and recyclable materials shall provide adequate screening from the public view. Every area shall be properly screened by a solid fence, which shall be maintained in good repair, or a row of plantings, which shall not be less than forty-eight (48) inches high. A gate shall be installed and maintained to control access to the storage area. Each dumpster or receptacle shall have a closely fitted and secure lid in order to prevent the spread of noxious odors, seepage or decay or the infestation by vermin or disturbance by other animals. Upon placement of solid waste, garbage, refuse or recyclable materials within the dumpster or other receptacle, each user or resident shall ensure that the lid is securely closed. All dumpsters or receptacles shall be placed on a concrete, mortared brick or stone, or blacktop pad or other impervious service.

g. Commercial properties and mixed use properties which cannot provide a location for the storage of receptacles used in the collection and storage of solid waste, garbage, refuse or recyclable materials may obtain a permit from the Borough to store such receptacles on adjacent or nearby Borough owned property, if such property is available. Placement and screening for the receptacle(s) shall be determined by the Property Maintenance Officer in consultation with the Health Inspector, Recycling

Coordinator, Code Enforcement Officer and Construction Official, as appropriate. The initial term of this permit shall be from the date of its issuance to June 30 of the following year. The term of subsequent permits for the same parcel shall be one year commencing July 1 and ending June 30. The initial fee for this permit shall be one hundred (\$100.00) dollars. If there is no change to the location, placement and screening of the receptacle the fee for subsequent permits shall be twenty-five (25) dollars annually due on July 1.

h. Nothing in the within ordinance shall prohibit commercial properties or mixed use properties from contracting to share the costs of any private collection of solid waste, garbage, refuse or recyclable materials nor from sharing access to a dumpster(s) or other receptacles for the collection and disposal of solid waste or recyclable materials.

i. Each commercial property or mixed use property shall be entitled to pick-up of recyclable materials as defined in Section 16-6.2 of this Chapter. There shall be no restriction or limitation as to the amount of recyclable materials collected from any parcel used as commercial property or mixed use property. These items shall be placed for collection as directed for each class of recyclable materials.

j. Bulk items may be disposed of in accordance with the schedule promulgated by the Mayor and Council. Each parcel of commercial property or mixed use property shall be entitled to dispose of one (1) bulk item during each regularly scheduled bulk collection. Bulk items shall not be placed for collection prior to 4:00 p.m. of the day prior to the scheduled collection.

k. Construction debris as defined in Section 16-3.1 of this Chapter shall not be subject to regular collection and pick-up as part of garbage collection and shall not be placed in any dumpster or receptacle for collection.

l. Dangerous Materials as defined in Section 16-5.5 shall not be subject to regular collection and pick-up as part of garbage collection and shall not be placed in any dumpster or container for collection.

m. Owners, landlords or managers of commercial property or mixed use property may enter into private contracts for the collection of any class of solid waste without forfeiting the right to municipal collection of other classes of solid waste.

16-5.4 HOURS OF COLLECTION.

No person shall set or place any garbage, refuse, recyclable materials, bulk items or other solid waste on the curblane for collection from any residential property, commercial property or mixed use property prior to 4:00 p.m. of the day prior to the collection day for the district in which the same is situated, nor allow any empty containers to remain on the curblane, as herein provided, after 7:00 p.m. of the day of collection, and all such containers shall be stored in a manner as to not create a nuisance or annoyance to neighbors and the public.

No contractor shall commence the collection of garbage and/or recyclable materials prior to 6:00 a.m. All contractors shall conclude the collection of garbage and/or recyclable materials prior to 6:00 p.m.

In the event of a declared emergency, the within times fixed for disposal may be extended by the Mayor and Council, Administrator or Health Officer.

16-5.5 COLLECTION OF DANGEROUS MATERIALS.

No person shall place for collection or disposal any explosive or highly reactive, or highly inflammable materials such as benzene, gasoline, petroleum, explosive powder, mercury, nitrocellulose film, unbroken florescent tubes, chemicals, ammunition, explosive materials, engine coolant, oil, anti-freeze or any similar materials.

No liquids of any type, including, but not limited to, chemicals, paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products may be placed with recyclables or solid waste for disposal ("hazardous waste exclusion").

No rags or cloths containing these substances may be placed with recyclables or solid waste for disposal.

Special arrangement for collection and disposal of dangerous materials should be made with the garbage contractor. Any costs or fees related to the disposal of any dangerous materials shall be the sole responsibility of the property owner.

16-5.6 PLACEMENT OF CONTAINERS, RECYCLABLES AND OTHER SOLID WASTE, OBSTRUCTION OF SIDEWALKS AND ROADS.

All garbage, refuse, bulk items, recyclable materials or other solid waste, whether in containers or not, shall be set or placed for collection from any residential property, commercial property or mixed use property within the Borough of Keyport as near as possible on or along the curblin and shall not be set or placed in any gutter, street, road or on any walk or sidewalk or in a manner so as to interfere with public travel whether vehicular or pedestrian. Solid waste, garbage, refuse, bulk items or recyclable materials from commercial or mixed use properties may be placed on the sidewalk adjacent to the curblin in a manner so as not to interfere with public travel.

When the containers have been emptied they shall be returned to the places from which they were picked up and they shall not be set or placed in any gutter, street, road or on any walk or sidewalk, except as provided above for commercial and mixed use properties.

During times when accumulated snow is piled along the curblin the containers and other solid waste shall be placed so as to cause the least interference with public travel.

Dumpsters or other such receptacles shall be located and emptied as provided elsewhere in this ordinance.

16-5.7 CONSTRUCTION DEBRIS PROHIBITED.

No owner, lessee, occupant or resident of any property within the Borough of Keyport, shall dispose of construction debris as defined in Section 16-3.1 of this Chapter either as part of recycling collection or solid waste collection with the Borough of Keyport. Any owner, lessee, occupant, resident, partnership or corporation of a residential or non-residential property who violates the terms herein contained shall be subject to penalty as set forth in this Chapter.

16-5.8 BULK ITEM COLLECTION.

Bulk items are defined in Sections 16-5.2 and 16-6.2. The owner, occupant, or resident of a residential or non-residential property shall dispose of bulk items as part of solid waste collection in accordance with the following:

a. Each residential property within the Borough shall be permitted to dispose of bulk items in accordance with a bulk collection schedule promulgated by the Mayor and Council. Each bulk item to be disposed of shall be placed curbside in accordance with the regulations established for solid waste pick-up.

b. Each parcel of commercial property or mixed use property shall be permitted to dispose of bulk items in accordance with a bulk collection schedule promulgated by the Mayor and Council. Each bulk item to be disposed of shall be placed curbside in accordance with the regulations established for solid waste pick-up.

c. The Mayor and Council shall provide for the collection of at least one bulk item per month from each property. The Mayor and Council may further fix additional bulk pick-ups for residents under such terms as shall be deemed appropriate.

d. Any owner, lessee, occupant or resident who improperly places a bulk item or items on a date not scheduled for bulk pick-up, shall within 24 hours remove the bulk item or items from the curblin to the proper storage area on their property until the regularly scheduled bulk pick-up. Failure to do so will result in a violation of the within Section and penalties in accordance with the provisions of this Chapter.

16-5.9 GRASS CLIPPINGS AND LEAVES.

a. Grass clippings are not collected and are banned from landfills. Cut and leave or request composting information. If your grass is cut by a lawn care company have the company haul the clippings away for disposal in accordance with applicable statutes, regulations and ordinances.

b. Leaves MUST be placed in biodegradable bags and must not be mixed with branches, garbage, refuse, etc., for collection by the Borough. Plastic bags may not be used for disposal of leaves. The Borough provides twenty-five (25) biodegradable bags per property to residents each year. Residents may pick up their allotment at the Recycling Center. Bagged leaves are collected curbside or can be brought to the Recycling Center during the regular days of operation. Unbagged leaves may not be placed curbside or in the street at any time.

16-5.10 COLLECTION OF PLANT TRIMMINGS.

a. All natural tree and shrub limbs without leaves no larger in diameter than four (4) inches and no longer than six (6) feet shall be tied and placed curbside or can be brought to the Recycling Center. Collection of these items shall be made by the Borough of Keyport in accordance with a schedule fixed by the Mayor and Council.

b. Christmas trees, live or formerly live, without the base, ornaments or trim, will be picked up on the day scheduled for regular collection of garbage, refuse and other solid waste. Artificial trees are a bulk item and will be picked up on the day scheduled for regular bulk item collection.

16-5.11 DEFECTIVE RECEPTACLES OR CONTAINERS.

Receptacles or containers which fail to meet the requirements set forth herein including as specified in Section 16-5.3 of this Chapter or which otherwise become broken or damaged or otherwise fail to conform to the standards fixed herein, shall immediately be replaced by the owner, tenant, lessee or occupant. Defective or broken receptacles or containers may be placed out for bulk collection empty and without the lid in place. The lid may be placed inside the empty container and both container and lid shall be considered one item for bulk collection. Clean defective or broken metal (not plastic) receptacles or containers may be brought to the Recycling Center as scrap metal. Defective receptacles or containers are deemed a violation of this Chapter and shall result in the issuance of a summons.

16-5.12 OBLIGATION TO RECYCLE.

Each resident, owner, lessee or occupant of a residential property, commercial property or mixed use property within the Borough of Keyport, shall comply with the regulations and schedules for Mandatory Separation of Recyclable Materials for Collection and Recycling as contained in Section 16-6. Recyclable materials are defined in Sections 16-6 and 16-7 and shall include appliances, defined as "white goods" in Section 16-6.2, such as refrigerators, freezers, washers and dryers, covered electronic devices as defined in the "Electronic Waste Management Act," N.J.S.A. 13:1E-99.94, *et seq.*, and such other items as may be mandated for separation and recycling by federal, State and local laws, regulations and ordinances.

16-5.13 ILLEGAL DUMPING.

As defined in the within ordinance:

(a) It shall be unlawful for any owner, tenant, lessee, occupant or employee or agent thereof of any property within the Borough of Keyport to deposit trash, refuse, solid waste, construction debris or recyclable materials brought from a home or business into any litter basket or container maintained by the Borough of Keyport.

(b) It shall be unlawful for any owner, tenant, lessee, occupant or employee or agent thereof of any property within the Borough of Keyport to throw, sweep, place, discard, or otherwise dispose of items of solid waste, garbage, refuse recycling materials, construction debris or plant trimmings onto any public street within the Borough of Keyport.

(c) It shall be unlawful for any person to deposit, dump, abandon or otherwise place solid waste, garbage, refuse, recyclable materials, construction debris, plant trimmings or bulk items on any lot, parcel or property within the Borough of Keyport.

(d) Any person who unlawfully dumps any solid waste in quantities in excess of 0.148 cubic yards of solids or thirty (30) gallons of liquid, as prohibited by N.J.S.A. 13:1E-9.3 of the "Solid Waste Management Act, N.J.S.A. 13:1E-1, *et seq.*, shall be subject to the penalties set forth in that Act and those set forth in the "Solid Waste Utility Control Act," N.J.S.A. 48:13A-1, *et seq.*

16-5.14 ENFORCEMENT.

Whenever the Health Inspector or his designee, Recycling Coordinator, Deputy Recycling Coordinator, Code Enforcement Officer, Construction Official, Building Inspector, Property Maintenance Officer, Zoning Officer, Assistant Property Maintenance Officer or Borough Police Officer determines that there has been a violation of any provision of this Chapter, he or she may issue a summons or he or she may give notice of the violation to the person or persons or entities responsible under this Chapter. In the case of a residential property, commercial property or mixed use property failing to comply with the amount of garbage placed for collection, a summons may issue without service of notice. Such notices shall be in writing and shall include a concise statement of the reasons for issuance.

Such notice shall be deemed properly and sufficiently served if, either:

- a. a copy thereof is sent by registered or certified mail to the last known address of the person or entity upon which the same is served, as shown on the current tax records of the Borough of Keyport;
- b. a copy thereof is handed to said person or to their tenant, lessee, agent, servant, employee, family member or occupant at that location of the within violation;
- c. or a copy thereof is left at the usual place of abode or office of said person or entity or at the location where the violation has taken place.

Notice shall be given as aforesaid, within or without the Borough. The notice shall also state that, unless the violation is abated, removed cured or prevented within two (2) days of the date of service of such notice (exclusive of the date of service), a summons shall be issued for such violation. The Enforcing Officer may at the time he or she issues the notice, extend the period for compliance for the violation stated for a period not to exceed ten (10) additional days, if, in his or her judgment, the abatement, removal or cure of the condition violated cannot be reasonably effected within the two day period. In the event the violation is not abated, removed, cured or prevented within the period of time specified herein, a summons shall issue against the person, persons, entity or entities so notified.

16-5.15 RESPONSIBILITIES OF OWNERS, LESSEES AND OCCUPANTS.

Owners, Lessees and Occupants shall jointly and severally have all the duties and responsibilities prescribed in this Chapter and shall not be relieved from any such duties and responsibilities nor be entitled to defend against any charge or violations

thereof by reason of the fact that another party may also be responsible therefore and in violation thereof. Responsibilities of Owners, Lessees or Occupants shall not be altered or affected by any agreement or contract by and between any of them or between them and other parties.

16-5.16 VIOLATIONS AND PENALTIES.

Any persons, firm, corporation who violates or neglects to comply with any provision of this Chapter or any rule or regulation promulgated thereto, shall be punishable upon conviction thereof, to pay a fine of not less than One Hundred (\$100.00) Dollars or more as provided in Section 1-5 of Chapter 1 of this Code.

16-6 MANDATORY SEPARATION OF RECYCLABLE MATERIALS FOR COLLECTION AND RECYCLING,

16-6.1 PURPOSE

a.-h. (Unchanged.)

- i. On or after January 1, 2010, pursuant to the "Electronic Waste Management Act" *N.J.S.A. 13:1E-99.94, et. seq.*, computers, monitors, televisions, telephones or related electronic hardware, defined in that Act as a "covered electronic device" may not be disposed as solid waste. They must be recycled.
- j. No liquids of any type, including, but not limited to, chemicals, paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products may be placed with recyclables or solid waste for disposal ("hazardous waste exclusion").
- k. Any fair, convention or other special event, whether held indoors or outdoors, and sponsored by public or private agencies, is required to provide appropriate labeled containers for all solid waste and/or recyclables reasonably expected to be generated and discarded by vendors, participants or other visitors to that event, and arrange for its proper disposition.
- l. Any business or institution is required to inform its employees and/or cleaning service which is responsible for the collection and disposition of solid waste and recyclables generated at the business or institution of the proper method of disposal of solid waste and recyclable materials.
- m. The private company or public agency providing dumpsters, rolloff containers or any other waste containers to businesses, institutions, demolition job sites or other locations for pickup by the collector-hauler shall be responsible for clearly marking such containers as "trash" or for specific "recyclables, as may be appropriate.
- n. Businesses manufacturing or selling products made of or packaged in any item mandated for recycling must provide labeled and accessible containers for recycling to employees and customers and arrange for its proper disposition.
- o. All public and/or non-profit or other institutions are required to provide labeled and accessible recycling containers for all employees, students and visitors in all buildings and facilities, and arrange for its proper disposition.
- p. Designated recyclables shall be placed in fixed-contour containers equipped with secure tight-fitting covers and shall be of an approved type with handles and tapered sides. The owner or manager of a property containing more than one unit shall be responsible for clearly marking each container as a depository for Recyclables and by numbers or letters at least one half (½) inch wide by six (6) inches high to identify the unit whose recyclables it contains. The total capacity of each such container shall not exceed fifty (50) gallons. The loaded

weight of each container and its contents shall not exceed fifty (50) pounds. Recyclables in plastic bags or non-compliant containers shall not be collected. This section shall not apply to properties utilizing a dumpster(s) or other receptacle(s) located in central collection sites.

16-6.2 DEFINITIONS.

Aluminum (Unchanged.)

Batteries shall mean automotive and household ~~“wet” and “dry”~~ button cell batteries.

Bulk or Bulk Items shall mean household objects such as furniture, plumbing fixtures, toilets, bath tubs, sinks, lawn care machinery, hot water tanks, rugs/carpets and floor pads not greater in dimension than 10' x 12', lamps, upholstered couches and chairs, lawn furniture, plastic toys, pet items, file cabinets, ironing boards, gym sets, mattresses, box springs, untreated lumber in fifty (50) pound bundles no longer than six (6) feet, and any other item normally found in the home which is not in whole or in part a "covered electronic device" as defined by the "Electronic Waste Management Act," N.J.S.A. 13:1E-99.94, *et seq.*, or otherwise barred from disposal as solid waste by State or Federal statute or regulation.

Corrugated Cardboard-Plastic Containers (Unchanged.)

Recyclable Materials shall mean those materials identified for mandatory separation and recycling by any state, county or municipal statute, ordinance or regulation including, but not limited to, aluminum, batteries, corrugated cardboard, glass, high grade paper, junk mail, leaves, newspapers, plastic containers, tin and bi-metal cans, tires and white metals.

Solid waste-White Goods (Unchanged.)

16-6.3—16-6.4 (Unchanged.)

16-6.5 RECYCLING REQUIREMENTS.

All residents, owners, lessees or occupants of property in the Borough of Keyport shall comply with the regulations and schedules established by the Mayor and Council for the collection of the recyclable materials set forth in Section 16-6 in accordance with the following guidelines:

a. All recyclable materials and white goods, for which a permit may or may not be required, as defined in Sections 16-6 and 16-7, shall be delivered to the curblane not sooner than 4:00 p.m. of the day prior to the scheduled collection date.

b. Pursuant to the "Electronic Waste Management Act," N.J.S.A. 13:1E-99.94, *et seq.*, no person shall knowingly dispose of a covered electronic device, as defined by that Act, or any of the components or subassemblies thereof, as solid waste and all covered electronic devices must be recycled in a manner that is in compliance with all applicable federal, State and local laws, regulations and ordinances.

c. In the case of white goods, such as refrigerators and freezers, all doors must be detached and separated from the appliance prior to the delivery of the material to the curblane. Both the refrigerator or freezer and the detached door shall be considered one item for bulk collection.

d. It shall be the responsibility of the owner, lessee, occupant or resident seeking to dispose of certain household appliances, often referred to as white goods or white metals, such as refrigerators, freezers and air conditioners, which contain Freon, to obtain a permit as required pursuant to Section 16-7.2 of this Chapter. Permits may be obtained from the office of the Borough Clerk during normal business hours.

e. No owner, lessee, occupant or resident shall place recycling or white goods for disposal prior to 4:00 p.m. of the day prior to the scheduled pick-up date.

f. Any owner, lessee, occupant or resident who improperly places recycling or white goods on the curblane of the streets of the Borough of Keyport prior to 4:00 p.m. of the day prior to the scheduled pickup shall be subject to a violation and penalty in accordance with the provisions of this Chapter. Any owner, lessee, occupant or resident who improperly places recycling or white goods on a date not scheduled for their pickup, shall within twenty four (24) hours remove the recycling or white goods item from the curblane to the proper storage area on their property until the regularly scheduled pick-up. Failure to do so will result in a violation of the within Section and penalties in accordance with the provisions of this Chapter.

16-6.6 (Formerly 16-6.5, Unchanged.)

16-6.7 (Formerly 16-6.6, Unchanged.)

16-6.8 (Formerly 16-6.7, Unchanged.)

16-6.9 VIOLATIONS AND PENALTIES.

Any persons, firm, corporation who violates or neglects to comply with any provision of this Chapter or any rule or regulation promulgated thereto, shall be punishable upon conviction thereof, to pay a fine of not less than One Hundred (\$100.00) Dollars or more as provided in Section 1-5 of Chapter 1 of this Code.

SECTION II. Inconsistent Ordinances.

All Ordinances or parts thereof inconsistent with the provisions of this Ordinance, and more specifically Chapter BH:III, "Garbage Collection and Recycling Collection Regulations," previously adopted by the Board of Health as Ordinance No: 2004-1, and Ordinance No: 11-09, "An Ordinance Amending ... Ordinance 16-6, *et seq.*, Pertaining [To] Collection of Recycling Material," previously adopted by the Mayor and Council, are hereby repealed.

SECTION III. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION IV. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: October 18, 2011

Public Hearing: November 1, 2011

Adopted: November 1, 2011

Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport

Robert E. McLeod, Mayor
Borough of Keyport