

CHAPTER XVIII SOLID WASTE MANAGEMENT

18-1. MUNICIPAL SOURCE SEPARATION AND RECYCLING.*

18-1.1 Definitions.

Commingled shall mean a combining of nonputrescible source-separated recyclable materials for the purpose of recycling;

Designated recyclable materials shall mean those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

Aluminum cans shall mean cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

Glass bottles and jars shall mean bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

Plastic bottles (coded 1 and 2) shall mean plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.



Steel (tin) cans shall mean an air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

Newspaper shall mean a publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time.

Corrugated cardboard shall mean shipping containers made with kraft paper linerboard and corrugated medium.

Mixed paper shall mean various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.

Leaves shall mean vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.

Grass clippings shall mean vegetative material generated when grass (lawns) are cut.

Brush shall mean branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

Natural wood waste shall mean logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

Oil-contaminated soil shall mean nonhazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be nonhazardous in accordance with the standards set forth in N.J.A.C. 7:26.

Used motor oil shall mean motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

Lead-acid batteries shall mean storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.

Hazardous dry cell batteries shall mean rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are nonrechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Nonrechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc nonrechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

Metal appliances shall mean appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.

*Whole tires** shall mean tires that are whole, not chipped into small pieces.

*Tires are allowed to be recycled and/or incinerated for energy recovery.

Electronic waste shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four (4) inches measured diagonally and that contains one (1) or more circuit boards, including a television, and cell phones.

Multifamily dwelling shall mean any building or structure, or complex of buildings in which three (3) or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C.55: 13A-1 et seq.).

Municipal Recycling Coordinator shall mean the person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefor.

Municipal Recycling Enforcement Coordinator shall mean the person or persons named by the municipality who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment Section 8.6. This person may be the same person designated as the Municipal Recycling Coordinator.

Municipal solid waste (MSW) stream shall mean all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Chatham which is not bulky waste or construction and demolition debris.

Recyclable material shall mean those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

Source-separated recyclable materials shall mean recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

Source separation shall mean the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

(Ord. No. 2008-08 § 1)

18-1.2 Source Separation; Exemption from Source Separation Requirements.

- a. *Mandatory Source Separation.* It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Chatham, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township.
- b. *Exemptions.* Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the section which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the Municipal Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the

name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

(Ord. No. 2008-08 § 1)

18-1.3 Acceptance of the Municipal Solid Waste Recycling Goal.

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Township of Chatham accepts the goal of fifty (50%) percent recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of fifty (50%) percent of the municipal solid waste generated within its borders. (Ord. No. 2008-08 § 1)

18-1.4 Collection of Recyclable Materials.

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

- a. All containers 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 anytime after 5:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.
- b. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Township of Chatham.

(Ord. No. 2008-08 § 1)

18-1.5 Residential Dwelling Compliance Requirements.

The owner of any property shall be responsible for compliance with this section. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy. (Ord. No. 2008-08 § 1)

18-1.6 Nonresidential Establishment Compliance Requirements.

- a. All nonresidential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this section.

- b. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- c. All nonresidential facilities shall report on an annual basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- d. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any Code Enforcement Officer.

(Ord. No. 2008-08 § 1)

18-1.7 New Developments of Multifamily Residential Units or Commercial, Institutional, or Industrial Properties.

- a. Any application to the planning board of the Township, for subdivision or site plan approval for the construction of multi-family dwellings of three (3) or more units, single family developments of fifty (50) or more units or any commercial, institutional, or industrial development for the utilization of one thousand (1,000) square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:
 - 1. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
 - 2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- b. Prior to the issuance of a certificate of occupancy by the Township, the owner of any new multifamily housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- c. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.

(Ord. No. 2008-08 § 1)

18-1.8 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.

- a. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste

which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

- b. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this section and the local sanitary code.
- c. Once placed in the location identified by this section, or any rules or regulations promulgated pursuant to this section, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

(Ord. No. 2008-08 § 1)

18-1.9 Enforcement.

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, the Chatham Township Police Department and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this section. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material. (Ord. No. 2008-08 § 1)

18-1.10 Penalty for Noncompliance with Source Separation Requirement.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this section or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than twenty-five (\$25.00) dollars, nor more than one thousand (\$1,000.00) dollars. Each day for which a violation of this section occurs shall be considered a separate offense. Fines levied and collected pursuant to the provisions of this section shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program. (Ord. No. 2008-08 § 1)

18-1.11 Scavenging Designated Recyclable Materials Prohibited.

All designated recyclable materials placed for collection or delivered to the Township Recycling Center are the property of the Township, and no person who is not authorized by the Township shall appropriate any such materials. (Ord. No. 2008-08 § 1)

18-1.12 Severability, Effective Date.

In the event that it is determined, by a Court of competent jurisdiction, that any provision or subsection of this section is unconstitutional, all other subsections and provisions shall remain in effect. This section shall take effect immediately, unless otherwise provided by Resolution of the governing body. (Ord. No. 2008-08 § 1)

18-2 REFUSE COLLECTION.

18-2.1 Definitions.

As used in this section:

Collector shall mean any individual, firm, partnership, corporation or other legal entity engaged in the collection or removal of refuse from any dwelling in the Township for a fee. The term "collector" shall include the term "scavenger."

Dwelling shall mean any single-family, two-family or three family house.

Occupant shall mean any person occupying any dwelling in the Township.

Person shall mean any individual, corporation, firm, partnership or other entity.

Refuse shall mean garbage, that is, putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, other putrescible and non-putrescible wastes, including tin cans, bottles and other containers, paper and paper products, rags, ashes, lawn cuttings, hedge trimmings, leaves and other garden debris, whether separate or commingled, from any dwelling in the Township, except that the word "refuse" shall not include the following: building construction wastes, large or heavy manufactured articles, boulders, earth, trees and parts thereof.

Refuse truck shall mean any commercial vehicle which is used for the collection, transportation or hauling of refuse or rubbish.

Rubbish shall mean all those wastes and discarded materials, not constituting refuse, which result from the use of any dwelling in the Township.

Township shall mean the Township of Chatham in the County of Morris, New Jersey. (Ord. No. 11-64; Ord. No. 20-69)

18-2.2 Disposal of Refuse.

No refuse or rubbish shall be dumped or disposed of upon any public or private land in the Township except in accordance with authority which may be granted pursuant to the provisions of Township ordinances. (Ord. No. 11-64; Ord. No. 20-69)

18-2.3 Miscellaneous Regulations.

- a. *Prevention of Nuisance.* Collectors and their employees shall render efficient, quiet and courteous service. No collector or employee shall cause any nuisance or engage in boisterousness, loud-talking, offensive language or undue noise.

Any refuse which is spilled or blown shall be immediately cleaned up so as to maintain properties and streets in a clean condition.

No collector or employee shall solicit any gratuities in connection with collection services rendered.

- b. *Disposal of Refuse.* All refuse and rubbish collected by any collector within the Township shall be properly disposed of by a method which does not violate any provision of State law or Township ordinances.

(Ord. No. 11-64; Ord. No. 20-69)

18-2.4 Refuse Containers.

- a. Every occupant who has contracted for collection service shall provide and utilize refuse containers of metal or plastic construction which are strong, and which have tight-fitting covers and proper handles. All refuse containers shall be kept clean and in a safe condition for handling.

No refuse container when filled shall have a total weight in excess of eighty (80) pounds.

Garbage and other refuse may be commingled in any refuse container.

- b. *Location of Containers.* On collection days, refuse containers shall be placed by occupants outside and closely adjacent to their dwellings, either at the side or rear thereof, so that refuse can be collected from one (1) location and without entering any building.

While standing outside any building, filled refuse containers shall be tightly covered.

(Ord. No. 11-64; Ord. No. 20-69)

18-3 REQUIREMENT FOR PRIVATE CONTRACTS FOR REGULAR SOLID WASTE COLLECTION SERVICE.

18-3.1 Findings.

Chapter 170 of the Public Laws of 1991 requires that each municipality in which solid waste collection services are provided wholly or in part on an individual private contract basis adopt an ordinance requiring every owner or occupant of a developed property which is now provided with municipal solid waste collection service to have a currently effective individual private contract for regular collection service. (Ord. No. 24-91, Preamble)

18-3.2 Definitions.

As used in this section:

Regular solid waste collection service shall mean the scheduled pick-up of solid waste at least once each week by a contractor lawfully providing such service within the Township.

Solid waste shall mean garbage, refuse and other discarded materials resulting from any domestic, business, commercial, institutional, agricultural, governmental or other activity or operation carried on within the Township. The term shall not include any materials which are required to be recycled by ordinances, rules or regulations of the Township or which are voluntarily recycled.

(Ord. No. 24-91 § 1)

18-3.3 Requirement for Contract for the Regular Collection of Solid Waste.

Every responsible solid waste generator shall have a currently effective contract for regular solid waste collection service with a contractor lawfully providing such service within the Township.

The foregoing requirement shall not apply to a responsible solid waste generator who may be provided with regular solid waste collection service by the Township. (Ord. No. 24-91 § 2)

18-3.4 Public Notice of the Requirement Established by Subsection 18-3.3.

Within six (6) months of the date of the adoption of this section, and at least once every six (6) months thereafter, notice of the requirement established by subsection 18-3.3 shall be given in a manner provided by Chapter 170 of the Public Laws of 1991 to all responsible solid waste generators within the Township who are subject to such requirement. (Ord. No. 24-91 § 3)

18-3.5 Penalties for Violations.

Any person subject to the requirement of subsection 18-3.3 who fails to comply therewith shall, upon conviction, be subject to a fine not exceeding two hundred (\$200.00) dollars or imprisonment for a period not exceeding thirty (30) days, or both. (Ord. No. 24-91 § 4)

18-3.6 Filing of Ordinance with Board of Public Utilities.

Upon final adoption of this ordinance, a certified copy shall be forwarded by the Township Clerk to the New Jersey Board of Public Utilities by certified mail. (Ord. No. 24-91 § 6)

18-4 YARD WASTE MANAGEMENT.

18-4.1 Purpose.

The purpose of this section is to establish the requirements for the proper handling of yard waste and to establish a yard waste collection and disposal program in the Township of Chatham so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. (Ord. No. 2005-020 § 1)

18-4.2 Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the means stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Containerized shall mean the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, County, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parkway areas, and other areas within the street lines.

(Ord. No. 2005-020 § 1)

18-4.3 Prohibited Conduct.

Except as otherwise provided in this section, the owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this section. (Ord. No. 2005-020 § 1)

18-4.4 Yard Waste Collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and

announced collection, and shall not be placed closer than ten (10) feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this section. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this section. (Ord. No. 2005-020 § 1)

18-4.5 Enforcement.

The provisions of this section shall be enforced by the Zoning Officer or his designee and the Police Department. (Ord. No. 2005-020 § 1)

18-4.6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed the fine set forth at Section 1-5 of this Code of the Township of Chatham. (Ord. No. 2005-020 § 1)

18-5 CLOTHING RECYCLING.

18-5.1 Clothing Bins.

Clothing bins may be placed only in the following locations:

Chatham Township Recycling Center (end of Tanglewood Lane) (maximum total of all clothing bins – 4).

Churches, schools, municipal facilities other than the Recycling Center, nonprofit facilities, and religious institutions (maximum total of all clothing bins per institution – 3).

Notwithstanding any other provision to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

- a. The donation clothing bin is owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16 or any person; and
- b. The registered charitable organization or the person has obtained a permit valid for a period of one (1) year, from the Zoning Officer in accordance with the following:
 1. In applying for such a permit, the registered charitable organization or person shall include:
 - (a) The size of the bin (not larger than six feet by six feet by six feet (6 x 6 x 6) and the location where the bin would be situated, as precisely as possible;
 - (b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
 - (c) The name, address, and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;
 - (d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of

the person to be notified if the bin is overflowing prior to the scheduled date of pickup; and

- (e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.
2. The Zoning Officer shall not grant an application for a permit to place, use, or employ a donation clothing bin if he/she determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards may include, but are not limited to, the placement of a donation clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.
3. The fee for such application for the zoning permit shall be twenty-five (\$25.00) dollars per bin.
4. An expiring permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the twenty-five (\$25.00) dollars renewal fee per bin and by application that shall include the following information:
 - (a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;
 - (b) The manner in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;
 - (c) The name, address and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;
 - (d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pickup; and
 - (e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property;
5. The following information shall be clearly and conspicuously written in either paint or permanent marker on the exterior of the donation clothing bin:
 - (a) The name and address of the registered charitable organization or person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin.
 - (b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement.
 - (c) The charitable organization's registration number, permit number and its date of expiration.

- (d) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations.
 - (e) A statement, indicating the manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.
 - 6. Any clothing bin permitted hereunder shall be properly painted and maintained, and shall be free of defects.
- c. The Zoning Officer or his designee shall receive and investigate, within forty-five (45) days, any complaints from the public about the bin.
 - 1. Whenever it appears to the Zoning Officer or his designee that an organization or a person has engaged in or is engaging in any act or practice in violation of this section, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within fifteen (15) days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a warning shall be affixed to the exterior of the bin itself.
 - 2. In the event that the person who placed the bin does not rectify the violation or request a hearing within fifteen (15) days of the posting of the warning, the Township may seize the bin, remove it or have it removed, at the expense of the person who placed the bin, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Township.
 - 3. In addition to any other penalties or remedies under this section, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty for each violation as specified pursuant to Section 1-5, General Penalty, of the Code of the Township of Chatham.
- d. If any provision or portion of a provision of this section is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the section shall not be invalidated.
(Ord. No. 2009-14 § 1)

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