

CHAPTER 201 SOLID WASTE

[HISTORY: Adopted by the Mayor and Council of the Borough of Chester 6-17-2008 by Ord. No. 2008-13. Editor's Note: This ordinance also repealed former Ch. 201, Solid Waste: Art. I, Recycling, adopted by Ord. No. 88-15, as amended, and Art. II, Collection, adopted by Ord. No. 93-17, as amended. Amendments noted where applicable.]

ARTICLE I Recycling (§ 201-1 — § 201-10)**§ 201-1 Acceptance of municipal solid waste recycling goal.**

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Borough of Chester accepts the goal of recycling 50% 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 50% of the municipal solid waste generated within its borders.

§ 201-2 Definitions.

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

ALUMINUM CANS

Cans made entirely of aluminum which were used to hold beverages. Specifically excluded are cans of other types of materials and other aluminum products such as foil, pie pans and aluminum siding.

ASPHALT ROOFING SHINGLES

Asphalt composed tiles which are used to cover the roofs of houses or other buildings.

COMMERCIAL

Any nonresidential building or establishment, including, but not limited to, those used for retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias.

COMMINGLED

A combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

COMPOST HEAP

An enclosed area wherein grass clippings shall be placed for their decomposition through a process of microbial degradation, ultimately producing a stable, humus-like material called compost.

CONSTRUCTION DEBRIS

Waste resulting from the construction, destruction or demolition of structures or buildings, including, but not limited to, materials such as scrap material, concrete blocks, broken concrete and timbers.

CORRUGATED CARDBOARD

The term used to identify a type of paper in which a portion has been made to have a wavy surface (alternating ridge and grooves) and is placed between two flat surfaces for the sake of strength and which is commonly used to form cartons, including, but not limited to, shipping containers made with kraft paper, linerboard and corrugated medium.

DESIGNATED MATERIALS

Those recyclable materials listed in the Morris County District Recycling Plan which are mandated to be source separated. Such materials shall include the following: glass (bottles and jars), aluminum beverage cans, newspaper and yard waste (residentially); glass, aluminum cans, corrugated cardboard and office paper for commercial and institutional establishments. Herein will also include any additional materials stipulated by the Borough of Chester for recycling or any materials which shall hereafter, pursuant to the Morris County District Recycling Plan, be mandated to be source separated for recycling, such as tin cans, plastic, oil, tires, bulk metal, etc.

ELECTRONIC WASTE

(To be included in those instances where a recycling program has been, or will be, established for these materials. Additionally, the following definition may be changed to reflect individual municipal program requirements.) 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 inches measured

diagonally and that contains one or more circuit boards, including, but not limited to, televisions, and cell phones.

FERROUS CANS

Made entirely of tin or steel which were used to store beverages or foodstuffs. Specifically excluded are other tin or steel products in the form of a can.

GARBAGE BAGS

Clear plastic bags to be used to collect solid waste for disposal, securely tied at the top.

GLASS

Empty 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 in the definition of glass and are to be treated separately. Specifically omitted from this definition of glass are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

GRASS CLIPPINGS

Vegetative material generated when grass (lawns) is cut.

HAZARDOUS WASTE

Waste that is hazardous to human health, living organisms, or the environment, by reason of its pathological explosive, radiological or toxic characteristics, or designated as such by state or federal statute or regulation.

INDUSTRIAL WASTE

All waste, including solids, semisolids, sludge and liquids resulting from industrial processes and/or manufacturing operations.

INSTITUTION

An established organization or foundation dedicated to public service or culture, including, but not limited to, religious, educational, health care, and governmental establishments.

LEAVES

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

MEDICAL WASTE

Any waste generated during treatment of a patient other than from an individual household source, including, but not limited to, all instruments, supplies, containers, etc., used by health-care facilities as described in the New Jersey Department of Health Regulations and N.J.S.A. 2A:170-25.17.

METAL APPLIANCES

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.

MIXED PAPER

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.

MOTOR OIL

Oil used to lubricate automobile engines.

MULTIFAMILY DWELLING

Any building or structure, or complex of buildings in which three 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 (N.J.S.A. 55:13A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR

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

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

All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Borough of Chester which is not bulky waste or construction/demolition debris.

NATURAL WOOD WASTE

Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

NEWSPAPER

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.

OIL-CONTAMINATED SOIL

Nonhazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, No. 4 and No. 6 heating oils and certain other refinery products, including coal tar). This type of soil must be determined to be nonhazardous in accordance with the standards set forth in N.J.A.C. 7:26.

OFFICE PAPER

High-grade papers, generally used in offices, that are of high quality and do not have a glossy finish, including, but not limited to, computer, letterhead, ledger and photocopy paper.

PLASTIC CONTAINERS

Plastic bottles (coded 1 and 2) 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 below. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids are not included in this definition of plastic containers. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown below is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc., should not be recycled and are not included in this definition for purposes of this section.



RECYCLABLE MATERIALS

Used newspapers, glass, aluminum cans and all other materials which are defined with more particularity as designated materials in Article 1, Recycling.

RESIDENT

Any person who owns, leases and/or occupies dwellings within the Borough of Chester, including those in multifamily dwellings and/or single-family developments.

SOLID WASTE

All garbage and rubbish normally generated by the residents and occupants of property, disposed of by public and/or private collection and defined as "solid waste" by the New Jersey Solid Waste

Management Act (N.J.S.A. 13:1E-3), but exclusive of recyclable materials, medical waste, industrial waste, hazardous waste and construction debris.

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION

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

STUMPS

Logs, branches and other natural wood waste greater in diameter than brush, which is defined under yard waste herein.

TIRES

The rubberized material surrounding the wheel of a vehicle.

USED MOTOR OIL

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

VEHICULAR BATTERIES

Batteries used by vehicles.

WHOLE TIRES

Tires that are whole, not chipped into small pieces.

§ 201-3 Source separation of designated materials; exemptions.

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 Borough of Chester, 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.

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 this chapter 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.

§ 201-4 Program responsibilities and descriptions.

A.

Residents shall separate designated materials from all other solid waste and shall segregate such designated materials.

B.

Residents shall place designated materials at curbside on the day(s) of the month as set by the Mayor and

Council of the Borough of Chester.

C.

Residents shall place designated materials for recycling at curbside in the following manner:

(1)

Mixed bottles and cans, including aluminum cans, rinsed and crushed, ferrous cans (rinsed), glass bottles and jars (rinsed), caps removed, plastic containers coded as type 1 or type 2 (rinsed), caps removed.

(2)

Mixed paper: piled or stacked in its own container.

(3)

Newspaper: cross-tied into bundles no larger than 12 inches high.

(4)

Corrugated cardboard: bundled or boxed.

D.

Residents shall dispose of grass clippings by either constructing a compost heap upon their property or by allowing the grass clippings to decompose where cut. Grass clippings and/or yard waste shall not be swept into or along any street or into any storm sewer system.

E.

In addition to source separating newspapers for curbside recycling, residents of units may bring newspapers, bundled as described herein, to the shed on Collis Lane in the Borough of Chester.

F.

All of the aforementioned provisions may from time to time be modified by the Municipal Recycling Coordinator or the Mayor and Council of the Borough of Chester to the extent that procedures are developed to have their recyclables recycled.

G.

Commercial establishments shall source separate designated materials for recycling. Each establishment shall either establish its own recycling program for the collection, transportation and marketing of designated recyclable materials or participate in the Borough of Chester's curbside recycling program for a monthly fee to be set by the Mayor and Council of the Borough of Chester. Documentation of tonnage of material recycled is to be submitted in accordance with § [201-6](#).

H.

Institutions shall source separate designated materials for recycling. Each institution shall either establish its own recycling program for the collection, transportation and marketing of designated recyclable materials or participate in the Borough of Chester's curbside recycling program for a monthly fee to be set by the Mayor and Council of the Borough of Chester. Documentation of tonnage of material recycled is to be submitted in accordance with § [201-6](#).

I.

Glass, aluminum cans, ferrous cans, plastic containers, corrugated cardboard and mixed paper may also be recycled by depositing such recyclables in their respective bins at the recycling depot located at 300 Main Street, Chester, New Jersey. The hours of operation of the recycling depot shall be set by separate resolution of the Mayor and Council of the Borough of Chester.

J.

Asphalt roofing shingles, electronic equipment, including televisions, computers telephones and household electronics, solvent-based paints, waste organic solvents in homeowner quantities, vehicular batteries and whole tires shall not be placed at curbside for recycling but shall be deposited as directed by Morris County at designated recycling centers on designated days. Dry cell batteries may be recycled at the Chester Library. Used motor oil may be taken in sealed containers to any approved oil recycling station (most automobile service stations.)

§ 201-5 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, or at the recycling depot at 300 Main Street or the shed on Collis Lane, Chester, New Jersey, and are the property of the Borough of Chester or its authorized agent. 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.

It is a violation of this section for any person unauthorized by the Borough of Chester to collect or pick up or cause to be collected or picked up any such recyclables. Any and each such collection in violation hereof shall constitute a separate and distinct offense.

§ 201-6 Documentation.

A.

All commercial, institutional, multifamily or single-family developments which are not serviced by municipal recycling collection systems must submit recycling documentation on a quarterly basis to the Municipal Recycling Coordinator. Due dates for report periods are as follows:

	Reporting Period	Due Date
	January 1 to March 31	April 15
	April 1 to June 30	July 15
	July 1 to September 30	October 15
	October 1 to December 31	January 15

B.
The Municipal Recycling Coordinator will compile all recycling documentation and report to the county recycling coordinator on a quarterly basis by the end of the month of the months stated above under

due dates.

C.

Those not complying will be subject to enforcement penalties.

§ 201-7 Sale and donation of material.

Any person who is an owner, lessee or occupant may donate or sell recyclable materials to any person, partnership or corporation (whether operating for profit or not for profit), as long as the recycling individual or company submits documentation to the Municipal Recycling Coordinator as described in § [201-6](#).

§ 201-8 Authorized enforcement agent.

The Municipal Police Department of the Borough of Chester, the Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this article. 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.

§ 201-9 Unlawful acts.

A.

It shall be unlawful to combine designated, unsoiled recyclables with other solid waste or fail to source separate designated materials for recycling.

B.

It shall be unlawful for solid waste collectors to collect solid waste that contains visible signs of designated recyclable materials or remove for disposal those bags or containers of solid waste/recyclables which visibly display a warning notice, sticker, or some other device indicating that the load of solid waste should not be removed for disposal.

C.

It shall be unlawful to fail to properly segregate uncollected waste for proper recycling or to allow such unseparated refuse to accumulate.

D.

It shall be unlawful to otherwise violate the provisions of §§ [201-3](#) through [201-7](#) hereof.

§ 201-10 Random inspections; violations and penalties.**A.**

Inspections. Random inspections shall be made by authorized enforcement agents of the Borough of Chester of the garbage set out for disposal by all residential, institutional and commercial inhabitants of the Borough of Chester in order to determine whether recyclables, as defined by this article, are contained therein.

B.

Rate of inspections. Until the Borough of Chester reaches its established goal of twenty-five-percent reduction through source separation and recycling, according to state and county criteria, random inspections shall be conducted at a minimum rate of 10% of commercial/institutional establishments per quarter and 10% of the multifamily/single-family developments per quarter.

C.

Time of inspections. Random inspections may be made only of garbage set out for disposal, by authorized agents of the Borough of Chester, at any time during the day or nighttime hours.

D.

Quarterly reports. Implementation of random inspections shall be identified on quarterly tonnage reports and filed with the Clerk of the Borough of Chester.

E.

Penalties. Violators of source separation and recycling of mandated recyclable materials, as established in this article, shall be subject to a penalty of \$25 per offense.

ARTICLE II Collection of Nonrecyclable Materials (§ 201-11 — § 201-21)**§ 201-11 Use of vehicle.**

Every person, persons or corporation who shall transport any waste material through or along any street in the Borough shall use a vehicle properly constructed and furnished so as to prevent escape of the contents thereof.

§ 201-12 Collection schedule.**A.**

Dates of collection of nonrecyclable solid waste shall be established by resolution of Mayor and Council of the Borough of Chester. In the event of emergency situations and inclement weather, such as snow storms, the Borough may suspend or otherwise modify the provisions of this article, and collection will resume on the next regularly scheduled collection day.

B.

The Borough shall provide a list of days which shall constitute holidays, on which days collections will not be made.

§ 201-13 Collection.**A.**

Residents, including occupants of commercial establishments, receiving garbage collection services from the

Borough shall dispose of solid waste by placing such solid waste in garbage bags specifically required by the Borough, and by thereafter placing such garbage bags within garbage cans which cans shall be placed at the street curb of the premises if one exists or adjacent to but not on the street pavement if there is no curb. The garbage cans to be used shall be prescribed and described with more particularity by resolution of the Borough.

B.

All garbage cans, containing garbage bags filled with solid waste, shall be placed as described above by 6:00 a.m. of the collection day, and shall be removed from the curb or pavement edge by 7:00 p.m. of the evening of the collection day. These times may be hereafter modified by resolution of the Borough.

C.

Properties shall be permitted to place solid waste for collection pursuant to this article and as further provided by the Borough which shall regulate the type and number of garbage bags and garbage cans to be used and shall provide for a collection schedule subject to limitations of the solid waste utility budget.

D.

It shall be the responsibility of residents and commercial establishments to maintain the roadways used for solid waste collection free from vegetative overgrowth and other obstructions.

E.

Hours of collection. There shall be no collection of solid waste within the Borough before the hour of 7:00 a.m. or after 5:00 p.m.

§ 201-14

Prohibited materials.

A.

The following items are prohibited from being placed for nonrecyclable solid waste collection, as defined hereinabove:

(1)

Recyclable materials.

(2)

Medical waste.

(3)

Industrial waste.

(4)

Hazardous waste.

(5)

Construction debris.

(6)

Dead animals and farm animal waste.

(7)

Any other item which the Borough may deem to be prohibited.

B.

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.

C.

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 chapter and the local sanitary code.

D.

Once placed in the location identified by this chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§ 201-15 Residential dwelling compliance requirements.

A.

The owner and/or occupant of any property shall be responsible for compliance with this chapter. 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 six months during their occupancy.

B.

Domestic or household bulky items, such as washing machines, dryers, refrigerators, stoves, household appliances and other household furnishings, such as chairs, sofas, rugs, padding, etc., shall be placed at the curb for collection with the required stickers attached, per the schedule established by resolution by the governing body. No bulky item shall be of a weight or be of a size greater than can be conveniently handled by two persons.

§ 201-16 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 chapter.

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 outdoor 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.

§ 201-17 Borough to be held harmless.

Residents and their agents, who place materials not in accordance with this article, shall hold harmless and indemnify for any or all losses the Borough its employees and agents for all costs, direct and indirect, which are attributable, in the sole discretion of the Borough for materials which were placed for collection in violation of the terms of this article.

§ 201-18 Solid Waste Coordinator.

The Borough shall appoint a Solid Waste Coordinator required to act as liaison with Morris County and New Jersey State solid waste officials, keep records and perform the annual tonnage grant application process.

§ 201-19 Recovery of costs; fees.

The costs associated with the collection and disposal of solid waste shall be recovered as may be provided in the contract or contracts made by the Borough of such services, plus uniform fees fixed from time to time by resolution of the Borough Council and collected from the property owners to whom the service is available.

§ 201-20 **Violations and penalties.****A.**

Each such collection in violation of this article and each day a violation or neglect is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

B.

Any person, firm or corporation who violates or neglects to comply with any provisions of this article or any rule, regulation or directive promulgated pursuant thereto shall be punishable, upon conviction thereof, by a fine of \$50 for the first offense and thereafter by a fine not to exceed \$2,000 or by up to 90 days in jail, or both for any subsequent offense. If permitted by general law, a convicted person may be ordered to perform community service.

C.

Fines levied and collected pursuant to the provisions of this article 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.

§ 201-21 **Severability; when effective.**

In the event that it is determined, by a court of competent jurisdiction, that any provision or section of this chapter is unconstitutional, all other sections and provisions shall remain in effect. This chapter shall take effect immediately, unless otherwise provided by resolution of the governing body.