

Chapter 233

SOLID WASTE

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[HISTORY: Adopted by the Mayor and Council of the Borough of Chatham as indicated in article histories. Amendments noted where applicable.]

form cartons. Includes shipping containers made with kraft paper linerboard and corrugated medium.

G. GLASS BOTTLES AND JARS — 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.

H. GRASS CLIPPINGS — Vegetative material generated when grass (lawns) are cut.

I. HAZARDOUS DRY CELL BATTERIES — 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 nonrechargeable 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. Items in this category are not eligible for curbside recycling.

- J. HOUSEHOLD DRY CELL BATTERIES — Single-use dry cell batteries, types AAA, AA, C, D, 9-volt and button cell. (NOTE: This item is mandated by the Borough only.)
- K. LEAD-ACID BATTERIES — 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. Items in this category must be deposited at the Morris County Household Hazardous Waste Facility.
- L. LEAVES — Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.
- M. MAGAZINES AND CATALOGUES — A category of mixed paper comprised of periodicals with stapled or glued bindings. (NOTE: This item is mandated by the Borough only.)
- N. 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. Items in this category are not eligible for curbside recycling, but may be placed for bulk waste collection.
- O. METAL POTS AND PANS — Metal cooking vessels that are usually round and deep; often have a handle and lid. (NOTE: This item is mandated by the Borough only.)
- P. MILK AND JUICE CARTONS — All paper cartons containing milk, juice, soups, custards, sauces, etc. (NOTE: This item is mandated by the Borough only.)
- Q. 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 and catalogues,

- envelopes, soft-cover (paperback) books, hardcover books (with cover removed), wrapping paper and phone books.
- R. **NATURAL WOOD WASTE** — Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.
- S. **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. The Borough will collect glossy inserts which come with the paper.
- T. **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 shall be determined to be nonhazardous in accordance with the standards set forth in N.J.A.C. 7:26. Items in this category are not eligible for curbside recycling.
- U. **PAINT CANS (LATEX)** — Metal cans used to contain latex paint. Latex paint is a water-based paint made with a synthetic binder (latex), such as acrylic, vinyl acrylic, or styrene acrylic latex. (NOTE: This item is mandated by the Borough only.)
- V. **PAPERBOARD/ CHIPBOARD** — A heavy layered paper, usually at least 100 pounds per ream or more. It is intended to be a rigid, durable form of paper, often used in packaging. Some examples include: cereal boxes, shoe boxes, dry food boxes, tissue boxes, paper cups, file folders, noncorrugated linerboard and packaging materials. This term does not include containers with coatings such as plastic, poly, wax or metals. (NOTE: This item is mandated by the Borough only.)
- W. **PLASTIC BOTTLES (CODED 1 AND 2)** — 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 below. 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.
- X. **PLASTIC CONTAINERS** — Plastic containers 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. Empty containers which contained hazardous materials, such as motor oil, antifreeze, etc., should not be recycled. (NOTE: This item is mandated by the Borough only.)





Y. STEEL (TIN) CANS — An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. This includes steel cans coated with tin and other metal cans which are not all aluminum. Examples are soup cans and tuna fish cans. The following metal cans shall not be classified as ferrous containers and shall not be recycled: any can which contained hazardous materials.

Z. USED MOTOR OIL — Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose. Items in this category may be deposited at the Morris County Household Hazardous Waste Facility or with participating service stations and/or garages.

AA. WHOLE TIRES — Tires that are whole, not chipped into small pieces. (NOTE: This item is mandated by the Borough only. Tires are allowed to be recycled and/or incinerated for energy recovery.)

ELECTRONIC EQUIPMENT — Includes computers, machines, keyboards, mice, printers, stereos, wire, telecommunications equipment, printer ink cartridges, DVD players, main frames, scanners, televisions, fax machines, monitors, speakers, VCRs. Items in this category must be deposited at the Morris County Household Hazardous Waste Facility.

HOUSEHOLD HAZARDOUS WASTE — Waste substances which can pose a substantial or potential hazard to human health or the environment when improperly managed. These items include: aerosol cans (not empty), automotive fluids, diesel fuel, fluorescent light bulbs and ballasts, gasoline, hazardous dry cell batteries, herbicides, kerosene, lead-acid batteries, non-latex driveway sealants or roofing tar, oil-based paints, oil-contaminated soil, stains, varnishes, paint thinners and removers, pesticides, pool and photographic chemicals, propane cylinders, unknown materials, used motor oil, and whole tires.

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

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 DEPOT — Any site designated by the Borough Council for the dropoff of recyclable materials.

MUNICIPAL SOLID WASTE (MSW) STREAM — All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Borough of Chatham.

RECYCLABLE MATERIAL — 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; includes designated recyclable material and textiles.

RESIDENT — Any person who owns, leases and/or occupies dwellings within the municipality, including those in multifamily dwellings and/or single-family developments.

SOLID WASTE UTILITY — A self-liquidating agency with a dedicated budget created to transact solid waste collection and disposal services as outlined below within the Borough of Chatham; said utility operations are separate and distinct but not autonomous from other municipal operations as provided for under N.J.S.A. 40A:4-34 through 40A:4-36.

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 — 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.

TEXTILES — Any cloth or goods produced by weaving, knitting, or felting. This category includes clothing, sheets, towels, blankets, and similar materials, and shoes. Textiles do not include rugs and carpets.

§ 233-1.1. Acceptance of municipal solid waste recycling goal. [Added 7-14-2008 by Ord. No. 08-15]

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

§ 233-2. Contracts and regulations pertaining to collection and disposal of solid waste. [Amended 8-12-1991 by Ord. No. 10-91; 3-25-1996 by Ord. No. 3-96; 7-14-2008 by Ord. No. 08-15]

- A. The Borough Council may make provision by contract or otherwise, as circumstances may require, for the collection and disposal of solid waste. By resolution it may also establish and promulgate reasonable regulations as to such collection and disposal.
- B. Designated recyclables shall be those items listed as designated materials as specified in § 233-1. The Borough Council, from time to time, may identify additional materials which are recyclable or which in any event should not be disposed of in the same manner as other solid waste and which will be collected or brought to one or more locations for separate disposal.
- C. Definitions and requirements as to the preparation of solid waste, including recyclables, for collection, when set forth in contracts for collection made by the Borough, shall also be considered regulations adopted pursuant hereto. These contracts as well as all

regulations adopted pursuant hereto shall be on file in the office of the Borough Clerk and may be examined on request.

§ 233-3. Separation of recyclable materials. [Amended 3-25-1996 by Ord. No. 3-96; 7-14-2008 by Ord. No. 08-151]

- A. Designated recyclable materials, textiles, and electronic equipment as specified herein shall be source separated from solid waste before such waste is placed for collection. Such designated recyclable materials, textiles, and electronic equipment shall then be disposed of in accordance with such regulations or this article. It shall be unlawful to combine designated recyclable materials, textiles, and electronic equipment with other solid waste. Failure to source separate designated recyclable materials, textiles, and electronic equipment for recycling is a violation of this article.
- B. Institutional and commercial establishments shall source separate all designated recyclable materials, textiles, and electronic equipment for recycling. Designated recyclable materials, textiles, and electronic equipment may be deposited at the municipal recycling depot during the hours it is open, collected and disposed of via an agreement with the Borough or via an agreement with a private company. In the case of multigenerator buildings such as apartment buildings, office buildings, etc., the building management, the owner, as well as the generator shall be responsible for compliance with the requirements of this article.
- C. All of the aforementioned provisions may, from time to time, be modified by the Municipal Recycling Coordinator to the extent that procedures are developed for establishments to have their recyclables recycled.

§ 233-3.1. Collection of recyclable materials and solid waste. [Added 7-14-2008 by Ord. No. 08-151]

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

- A. All containers and brown paper bags containing recyclable materials and all receptacles containing solid waste 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 solid waste and recycling 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. Solid waste that cannot be placed at the curb includes: household hazardous waste, electronic equipment, textiles, brush, grass clippings, leaves (except during periods designated by the Borough) and natural wood waste. Metal appliances may only be placed at the curb on bulk pickup days.

- C. All receptacles or dumpsters shall be kept clean and in a safe manner.

§ 233-3.2. Residential dwelling compliance requirements. [Added 7-14-2008 by Ord. No. 08-15]

The owner of any property shall be responsible for compliance with this article. 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.

§ 233-3.3. Nonresidential establishment compliance requirements. [Added 7-14-2008 by Ord. No. 08-15]

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this article.
- B. The arrangement for collection of designated recyclable materials hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee. 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. Every business, institution, or industrial facility 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 (defined as a place where food is provided for individual portion service directly to the consumer, whether the food is provided free of charge or sold and whether the food is consumed on or off the premises; including restaurants, eating and drinking establishments, employee cafeterias, bakeries, and bars) 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 person authorized by § 233-9 herein to enforce this article.

§ 233-3.4. New developments of multifamily residential units or commercial, institutional, or industrial properties. [Added 7-14-2008 by Ord. No. 08-15]

Pursuant to N.J.S.A. 13:1E-99.13a and 13:1E-99.16C:

- A. Any application to the Planning Board of the municipality of the Borough of Chatham, for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units or any commercial,

institutional, or industrial development for the utilization of 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 Borough, 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 designated 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 Borough Engineer.

§ 233-4. Documentation. [Amended 3-25-1996 by Ord. No. 3-96; 7-14-2008 by Ord. No. 08-15]

All commercial, institutional or multifamily dwellings which are not serviced by municipal recycling collection systems must submit recycling documentation on an annual basis to the Municipal Recycling Coordinator. The reporting period shall be from July 1 to June 30. Reports shall be due on or before July 15.

§ 233-5. Applicability.

Every person placing solid waste or recyclable materials for collection and the owner, lessee or occupant of the premises at which or in front of which the solid waste or recyclable material is placed shall be responsible to comply with this article and the regulations established pursuant hereto.

§ 233-6. Private disposal of recyclable materials. [Amended 7-14-2008 by Ord. No. 08-15]

Anything herein to the contrary notwithstanding, any person may donate or sell recyclable material, including designated recyclable materials, to any person, partnership or corporation, whether operating for profit or not for profit. Such sale or donation, however, shall be handled directly and privately and in a manner that does not interfere with the regulated methods of collection. No such person, partnership or corporation shall appropriate recyclable material placed for collection pursuant to such regulations. Any person, partnership or corporation disposing of recyclable material pursuant to this section shall submit documentation to the Borough Recycling Coordinator as described in the preceding section.

§ 233-7

CHATHAM CODE

§ 233-11

§ 233-7. Ownership of materials following placement for collection. [Added 3-25-1996 by Ord. No. 3-96; amended 7-14-2008 by Ord. No. 08-15]

From time of placement at the designated collection point, the designated recyclable materials shall be the property of the Borough or its designated agents, and the revenues collected from the sale of designated recyclable materials, if any, shall be the property of the Borough or its designated agents.

§ 233-8. Unlawful acts. [Added 3-25-1996 by Ord. No. 3-96; amended 7-14-2008 by Ord. No. 08-15]

- A. It shall be unlawful to combine designated recyclables materials with other solid waste. Failure to Source Separate designated recyclable materials for recycling is a violation of this article.
- B. It shall be unlawful for solid waste collectors to collect solid waste that contains visible signs of designated recyclable materials. It shall be the responsibility of the resident whose solid waste was not removed because it contained designated recyclable materials to properly segregate the uncollected waste for proper recycling. Allowing such unseparated solid waste to accumulate will be considered a violation of this article.

§ 233-9. Enforcement. [Amended 3-25-1996 by Ord. No. 3-96; amended 7-14-2008 by Ord. No. 08-15]

The Municipal Recycling Coordinator, Director and/or Deputy Director of Public Works and any member of the Chatham Borough Police Department are hereby authorized and directed to enforce this article. Enforcement of this article may include random inspections of recyclable materials and solid waste set out for disposal in order to determine compliance with this article.

§ 233-10. Violations and penalties. [Amended 3-25-1996 by Ord. No. 3-96; 7-14-2008 by Ord. No. 08-15]

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this chapter or any of the rules and regulations promulgated in Article I, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1,000.

§ 233-11. Solid waste utility. [Added 8-12-1991 by Ord. No. 10-91; amended 7-14-2008 by Ord. No. 08-15]

- A. A solid waste utility is hereby created to transact the collection and disposal of solid waste, as provided by law.
- B. Said solid waste utility shall be self-liquidating with a dedicated budget as provided by N.J.S.A. 40A:4-34 through 40A:4-36.

§ 233-12

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§ 233-16

§ 233-12. Recovery of costs; fees. [Added 8-12-1991 by Ord. No. 10-91]

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 for such services, plus uniform fees fixed from time to time by the Borough Council and collected from the property owners to whom the service is available.

§ 233-13. Service charge. [Added 7-27-1992 by Ord. No. 2-92]

There is hereby established a solid waste service charge to be imposed annually upon the owners of those properties for which solid waste collection and disposal service is made available by the Borough. The funds so collected shall be paid into the dedicated Solid Waste Utility Fund of the Borough.

§ 233-14. Computation of service charge. [Added 7-27-1992 by Ord. No. 2-92]

The solid waste service charge for residential properties served, unless and until nonresidential properties are served, shall be computed by dividing the approved annual budget of the Solid Waste Utility by the number of residential units to which the service will be made available by the Borough.

§ 233-15. Payment of service charge. [Added 7-27-1992 by Ord. No. 2-92; amended 7-14-2008 by Ord. No. 08-15]

A. Upon approval of the annual service charge by the Borough Council, the Borough Administrator shall bill the owner of each property to which the service is available, based upon the number of residential units therein, during the first 30 days of each year or as soon thereafter as is practical. Each annual solid waste service charge shall be paid in two equal installments, the first being due on February 1 and the second on August 1 each year.

B. The charges hereby imposed shall be payable to the Borough, and each payment shall draw the same interest as taxes upon real estate beginning 30 days after the due date and shall be a lien upon the property to which service was made available until paid. The Borough shall have the same remedies for collection of the charges hereby imposed, with interest, costs and penalties, as it has by law for the collection of taxes on real estate.

ARTICLE II

Yard Waste

[Adopted 6-13-2005 by Ord. No. 05-23]

§ 233-16. Definitions. [Amended 7-14-2008 by Ord. No. 08-15]

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article 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 — 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 in contact with stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

STREET — 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 pavements, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

YARD WASTE — All grass clippings, hedge clippings, leaves, yard rakings, brush, branches and limbs up to five inches in diameter and six feet long. The following materials are not considered to be yard waste: stumps, scrap metal, concrete materials, household refuse, building materials, trunk wood nor limbs in excess of five inches in diameter and over six feet long.

§ 233-17. Time frame for placement in street prior to 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 days prior to a scheduled and announced collection and shall not be placed closer than 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 article. If such placement of yard waste occurs, the person responsible for the placement of the yard waste must remove the yard waste from the street or said person shall be deemed in violation of this article.

§ 233-18. Enforcement officer.

The Director of Public Works of the Borough of Chatham is hereby designated as the enforcement officer for the purposes of enforcement of the provisions of this article. All members of the Chatham Borough Police Department are hereby designated as assistant enforcement officers for the purposes of the enforcement of this article.¹

ARTICLE III

Construction and Demolition Debris

[Adopted 4-23-2012 by Ord. No. 12-08]

§ 233-19. Definitions.

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

1. Editor's Note: Former § 233-19, Violations and penalties, which immediately followed this section, was repealed 7-14-2008 by Ord. No. 08-15.

APPROVED RECYCLING FACILITY — A recycling, composting, materials recovery or reuse facility which accepts construction and demolition debris and which is an approved/licensed New Jersey Department of Environmental Protection Class A-D recycling center, or a facility recognized by the Municipal Recycling Coordinator.

COVERED PROJECT — A new construction or demolition project for which a building permit and/or demolition permit, as those terms are defined elsewhere in the Borough Code, is required, excluding single-family and duplex residential, or a remodel/addition/alteration project with construction valuation equal to or greater than \$50,000, excluding single-family and duplex residential.

CONSTRUCTION AND DEMOLITION DEBRIS — Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, alteration, and/or demolition operations on pavements, houses, all residential and nonresidential developments, and other structures and may include, but is not limited to, concrete, asphalt, wood, metals, bricks, block masonry, dirt, rocks, and landscape waste.

CONSTRUCTION AND DEMOLITION SUMMARY REPORT — The form prescribed and provided by the Borough on which an applicant for building permit and/or demolition permit shall provide information including, but not limited to, the types and amounts of construction and demolition debris diversion the applicant has achieved.

DISPOSAL — The final depositing of solid waste other than construction and demolition debris at a permitted landfill or facility.

DIVERSION OR DIVERT — The reduction or elimination of solid waste from landfill disposal.

HAZARDOUS WASTE — Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261 or as set forth elsewhere in the Borough Code.

MUNICIPAL RECYCLING COORDINATOR — The Municipal Recycling Coordinator of the Borough.

RECYCLING ENFORCEMENT OFFICER — The Recycling Enforcement Officer of the Borough.

WASTE REDUCTION AND RECYCLING PLAN — The form prescribed and provided by the Borough on which an applicant for a building permit and/or demolition permit shall provide information including, but not limited to, the types and amounts of construction and demolition debris the applicant anticipates each building permit and/or demolition permit will generate and the construction and demolition debris diversion expected to be achieved. The waste reduction and recycling plan shall also detail how the applicant shall ensure that at least 50% of all construction and demolition debris will be separated and reused, recycled and otherwise diverted from disposal.

§ 233-20. Submittal and review of waste reduction and recycling plan.

A. Except as otherwise provided in this article, a waste reduction and recycling plan shall be filed by the entity performing the covered project with the Municipal Recycling

Coordinator and/or Recycling Enforcement Officer prior to the commencement of a covered project. The waste reduction and recycling plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the covered project, how each material will be managed, and the name of each Approved Recycling Facility or service provider that the entity performing the covered project will use to manage each material. The plan shall further detail how the entity performing the covered project shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

B. No building permit or demolition permit shall be issued unless the entity performing the covered project has submitted a properly completed waste reduction and recycling plan approved by the Municipal Recycling Coordinator and/or Recycling Enforcement Officer pursuant to this article.

C. The Municipal Recycling Coordinator and/or Recycling Enforcement Officer shall review the submitted waste reduction and recycling plan and approve said plan if it contains all information required by this article. The approved waste reduction and recycling plan shall be marked "approved" and returned to the entity performing the covered project.

D. The waste reduction and recycling plan may be denied under the following conditions:

- (1) It does not contain all information required by this article.
- (2) The form is illegible.
- (3) The calculations included are inaccurate or unrealistic, in the sole discretion of the Municipal Recycling Coordinator and/or Recycling Enforcement Officer.

E. A waste reduction and recycling plan that is not approved shall be returned to the applicant with a written notification stating the reason said plan has not been approved. In order to obtain the building or demolition permit sought, the entity performing the covered project shall make the required changes and resubmit the debris recovery plan to the Municipal Recycling Coordinator and/or Recycling Enforcement Officer.

§ 233-21. Construction and demolition debris measurement and rates.

A. Construction and demolition debris shall be measured by weight or by volume, whichever is most accurate and practicable. All construction and demolition debris shall be weighed on a scale which is in compliance with all federal, state, and local regulatory requirements for accuracy and maintenance of such scale.

B. Construction and demolition debris for which the measurement by weight is not practicable, shall be measured by volume and the volumetric measurements converted to weight using the standardized rates established in the Borough construction and demolition debris conversion rate tables.²

C. The Municipal Recycling Coordinator and/or Recycling Enforcement Officer reserves the right to establish weights for various types of construction and demolition debris based

² Editor's Note: The conversion rate tables are on file in the Borough offices.

upon accepted average weights for such items. Any such weights shall be listed in the Borough construction and demolition debris conversion rate tables.

§ 233-22. Submittal and review of construction and demolition debris summary report.

A. Upon completion of the covered project, but before the final inspection, the entity performing the covered project shall submit in person or by certified mail to the Municipal Recycling Coordinator and/or Recycling Enforcement Officer the documentation required to demonstrate that the entity has met the diversion requirement. The required documentation shall include the following:

- (1) A completed construction and demolition debris summary report, signed by an authorized representative of the entity performing the covered project, indicating the quantity of each material generated during the covered project diverted or disposed;
- (2) Receipts from all approved recycling facilities or service providers utilized to divert and dispose materials generated during the covered project; and
- (3) Any additional information that the entity performing the covered project believes is relevant to determining compliance with the diversion requirement set forth in this article.

B. All proof showing satisfactory diversion of construction and demolition debris shall be submitted on a yearly basis (calendar year) or upon substantial completion of the covered project, whichever is sooner.

§ 233-23. Compliance with diversion requirement.

The Municipal Recycling Coordinator and/or Recycling Enforcement Officer shall review the construction and demolition debris summary report and any other information submitted pursuant to this article and determine whether the entity performing the covered project has complied with the construction and demolition debris diversion requirement set forth herein. This compliance determination shall be provided to the entity carrying out the covered project in writing.

§ 233-24. Enforcement.

The Municipal Recycling Coordinator and the Recycling Enforcement Officer are hereby individually and severally empowered to enforce the provisions of this article. Enforcement of this article may include random inspections of the construction and demolition debris set out for disposal in order to determine compliance with this article.

§ 233-25. Violations and penalties.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall be fined in accordance with the graduated scale set forth herein:

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- A. First offense: \$50 to \$250.
- B. Second offense: \$250 to \$1,000.
- C. Third offense: \$500 to \$2,000.
- D. Fourth offense: \$1,000 to \$3,000.
- E. Fifth offense: \$2,000 to \$5,000.

§ 233-26. Implementation.

The Borough may, by resolution, set forth rules and regulations and prescribe standard forms for the implementation of the provisions of this article.