

CHAPTER 149 SOLID WASTE

[HISTORY: Adopted by the Township Council of the Township of Chester as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. [181](#).

ARTICLE 1 Construction Debris (§ 149-1 — § 149-5)

[Adopted 12-15-1992 by Ord. No. 18:8-92]

§ 149-1 Definitions.

[Amended 6-2-1997]

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

CONSTRUCTION/DEMOLITION DEBRIS

Recyclable components of the construction/demolition debris waste stream, including but not limited to concrete, brick, block, asphalt, asphalt-based roofing scrap and tree stumps/trunks. This definition shall apply only if such materials are removed from the site from which they were generated.

SOLID WASTE COLLECTION

Any activity related to pickup and transportation of solid waste and recyclables from its source or location to a solid waste or recycling facility or other destination.

[Added 4-20-2004]

§ 149-2 Persons affected.

[Added 6-2-1997]

Persons affected by the adoption of this article include all contractors, builders, developers, individuals and entities engaged in new construction, reconstruction and demolition.

§ 149-3 Mandatory source separation and disposal; written documentation of recycled material.**A.**

Upon the effective date of this article, it shall be both mandatory and a condition precedent to the issuance of any certificate of occupancy or final work inspection for the owner of property to recycle all construction/demolition debris and to provide written proof of the same in accordance with the provisions set forth in Subsection **B** herein. Properly credited weight reports, to further the Township's compliance with N.J.S.A. 13:1E-99.16c, as amended and supplemented, are to be provided for the Zoning Officer for transmittal to the Recycling Coordinator.

Editor's Note: See also § [149-23](#) of this chapter.

B.

Written documentation of the tonnage of material recycled under this article shall be made by accurate weight slips from an in-state weighing facility or an out-of-state weighing facility. The written documentation shall provide the following information in order to satisfy state requirements for municipal eligibility for state tonnage grants:

(1)

The block and lot designation of the property from which the material is removed.

(2)

The name of the owner or the property.

(3)

Date.

(4)

Tonnage.

(5)

Street address.

(6)

Project name, if appropriate.

(7)

The source of the material.

(8)

An itemization by identification of the specific materials to be recycled.

§ 149-4 Enforcement.

The provisions of this article shall be enforced by the Zoning Official or Recycling Coordinator or their designated agent.

§ 149-5 Violations and penalties.

[Amended 2-6-1997]

Any person, firm, entity or corporation who violates or neglects to comply with any provision of this article or any rules or regulations promulgated pursuant thereto shall be punishable by one or more of the following: a fine of not less than \$100 nor more than \$1,000, imprisonment for a period not to exceed 90 days or a period of community service not to exceed 90 days. Each and every day that a violation continues shall be considered a separate offense.

ARTICLE 2 Recycling (§ 149-6 — § 149-16)

[Adopted 12-6-1994 by Ord. No. 18:9-94]

§ 149-6 Findings.

A.

The New Jersey Statewide Mandatory Source Separation and Recycling Act

Editor's Note: See N.J.S.A. 13:1E-99.11 et seq. establishes a goal of 50% reduction of solid waste collection through source separation and recycling by residential, commercial and institutional establishments in all New Jersey municipalities.

B.

The Morris County District Recycling Plan designates glass, aluminum beverage cans, newspaper, yard waste, corrugated cardboard and office paper to be source-separated for recycling in various sectors of the community.

C.

Municipalities are responsible for outlining and implementing procedures for collection, documentation and enforcement.

D.

Recycling will reduce the expense of disposal, conserve valuable resources and produce some revenues.

E.

There is hereby established a mandatory recycling program for all residential, institutional and commercial inhabitants of the Township of Chester for the purpose of separating recyclables from other waste.

§ 149-7 Definitions.

As used in this article, 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.

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.

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.

DESIGNATED MATERIALS

Those recyclable materials listed in the Morris County District Recycling Plan which are mandated to be source-separated for recycling: namely, glass (bottles and jars), aluminum beverage cans, newspaper and yard waste for residential units; glass, aluminum cans, corrugated cardboard and office paper for commercial and institutional establishments.

GLASS

Bottles and jars made of silica, soda ash and limestone, being transparent or translucent and breakable. Specifically excluded are plastics or any other glass products, such as window glass and ceramics.

INSTITUTION

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

MINI-GENERATOR BUILDING

Commercial, business and industrial buildings where more than one tenant occupies space in the building.

NEWSPAPER

Newsprint-grade paper which is printed and distributed daily or weekly that contains news. The recycling of such material excludes soiled paper.

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.

RESIDENT

Any person who owns, leases, rents or occupies one or more dwellings within the Township, including any person residing in a multifamily or single-family development.

YARD WASTE

Fallen leaves and brush (chippable up to three inches in diameter) and grass clippings.

§ 149-8 Source separation required.

On and after the date of final approval of this article, it shall be mandatory for all residential, institutional and commercial inhabitants of the Township of Chester to source-separate designated materials from all other solid waste for recycling. This shall be done in the manner described in § [149-9](#).

§ 149-9 Requirements.

A.

All residential, commercial and institutional entities are required to separate and recycle all:

(1)

Newspaper, corrugated cardboard, mixed paper (high-grade, magazines, junk mail, scrap paper, etc.).

(2)

Aluminum food and beverage containers, plastic bottles (No. 1 PETE and No. 2 HDPE), glass bottles and jars.

[Amended 2-6-1997]

(3)

Ferrous containers (steel and bimetal cans).

(4)

Yard waste (leaves, grass and brush) by backyard composting.

(5)

Tires.

(6)

Vehicular batteries.

(7)

White goods (appliances). CFC's must be recovered where applicable.

(8)

Motor oil.

(9)

Oil-contaminated soil (nonhazardous Type 27).

(10)

Stumps (logs, branches, natural wood waste).

(11)

Asphalt roofing shingles.

(12)

Household dry-cell batteries.

B.

Commercial and institutional entities are required to submit quarterly reports indicating the volume of material recycled to the Township Recycling Coordinator.

C.

In the case of a multi-generator building, such as an office building, the building management as well as the generator shall be responsible for compliance with county- and Township-mandated source separation recycling requirements.

§ 149-10

Recycling plan.

A.

Recyclable materials.

(1)

The Township of Chester shall provide weekly residential curbside pickup of recyclables which include the following materials:

(a)

Aluminum cans, glass bottles and jars (all colors).

(b)

Newsprint, corrugated cardboard (includes brown paper grocery bags).

(c)

Tin cans (bimetal).

(d)

Plastics (shall include all plastic bottles, containers, jugs, bags, plastic caps and lids and polystyrene and PET and HDPE containers).

(e)

Commingled mixed paper (includes junk mail, computer paper, office and school paper, cardboard boxes (chipboard such as cookie, cracker and cereal boxes).

(f)

Magazines, telephone books, catalogs, paper products and envelopes with windows.

(2)

Other recyclables.

(a)

Passenger tires and vehicular batteries brought to the Township Garage on a regular basis are taken to a recycling market by the Department of Public Works.

(3)

Leaves and grass are composted in backyards by the residents.

(4)

Used motor oil is received by Fox Chase Gulf Station, Route 24, Chester Township, and a tonnage report received by the Municipal Recycling Coordinator.

(5)

Used household dry-cell batteries are collected at the Township Library and Municipal Building and brought to the Morris County Consolidation Center by the Department of Public Works on a regular basis.

B.

Construction and demolition contractors are also required to contract with private vendors or recycling facilities to recycle their category-specific materials.

C.

Enforcement of the above shall be through inspections, violation notices and court action, if necessary, to ensure compliance.

§ 149-11 Documentation.

A.

All commercial, institutional, multifamily or single-family developments which are not served 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 8
	April 1 to June 30	July 8
	July 1 to September 30	October 8
	October 1 to December 31	January 8

B.

The Municipal Recycling Coordinator will compile all recycling documentation and report to the County Recycling Coordinator on a quarterly basis by the 15th of the months stated above under due dates.

C.

Those not complying will be subject to enforcement penalties defined in § [149-16](#).

[Amended 2-6-1997]

§ 149-12 Anti-scavenger clause.

[Amended 2-6-1997]

Recyclable materials placed at the curb are the property of the hauler under contract with the Township of Chester. It is a violation of this article for any person unauthorized by the Township 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 punishable as hereinafter provided in § [149-16](#).

§ 149-13 Sale and donation of material.

[Amended 2-6-1997]

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 § [149-11](#).

§ 149-14 Authorized enforcement agent.

The Municipal Administrator and/or the Municipal Board of Health and/or the Zoning Officer are hereby authorized and directed to enforce all provisions of this article.

§ 149-15 Unlawful acts.

A.

It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source-separate designated 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.

C.

It shall be the responsibility of the nonrecycler whose solid waste was not removed because it contained recyclables to properly segregate the uncollected waste for proper recycling. Allowing such unseparated refuse to accumulate will be considered a violation of this article and the local sanitary code.

§ 149-16 Violations and penalties.

[Amended 2-6-1997]

Any person, firm or corporation who violates or neglects to comply with any sections of this article, or any regulations promulgated pursuant thereto, shall, upon conviction thereof, be punishable by one or more of the following: a fine of not less than \$100 nor more than \$1,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days. Each and every day that said violation continues shall be considered a separate offense. Enforcement shall commence upon the effective date of this article.

ARTICLE 3 Littering (§ 149-17 — § 149-25)

[Adopted 12-6-1994 by Ord. No. 16:14-94]

§ 149-17 Establishment.

There is hereby established an ordinance prohibiting littering, illegal dumping and further requiring certain waste management practices and procedures as follows.

§ 149-18 Littering prohibited.

A.

No person shall throw, deposit or scatter garbage or recyclable items or otherwise litter any public or private property within the Township. Further, no person shall throw, deposit or scatter any garbage or recyclable items in such a manner resulting in them being carried by the elements onto any public or private property.

B.

No person shall throw or deposit any garbage or recyclable items into any stream or body of water within the Township.

§ 149-19 Illegal dumping.

No person shall place or dump any accumulations of garbage or recyclable items on any land owned by the Township.

§ 149-20 Waste disposal bins in loading and unloading areas.

All loading and unloading areas shall have refuse receptacles for loose debris, paper, packaging materials and other trash. The containers necessary for each area shall be required to be maintained in a clean, neat and sanitary manner as directed by the Township Recycling Coordinator.

§ 149-21 Sidewalks and streets.

Editor's Note: See also Ch. [153](#), Streets and Sidewalks, Art. 4, Maintenance of Right-of-Way.

A.
Sidewalks and rights-of-way. All owners or occupants of property shall maintain their property in a clean and litter-free manner, including sidewalks, grass strips, curbs and rights-of-way up to the edge of the pavement of any public street.

B.
Sweeping into sidewalks or streets. No person shall sweep into or deposit in any street or sidewalk the accumulation of litter, trash or recyclable items, leaves or snow.

§ 149-22 Uncovered vehicles.

It is unlawful for any vehicle containing trash, recyclables and vegetation materials to be driven, moved, stopped or parked on any public roadway unless such vehicle is covered so as to prevent any of its load from dropping, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials have fallen or escaped must immediately cause the debris to be cleaned up.

§ 149-23 Construction sites.

It is unlawful for any owner, agent or contractor working on a construction or demolition site to permit the accumulation of litter and/or debris before, during or immediately following completion of any construction or demolition project. It is the duty of the such owner, agent or contractor to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacle in such a manner and with such a frequency as to prevent spillage of refuse.

Editor's Note: See also Art. 1, Construction Debris, of this chapter.

§ 149-24 Enforcement.

The Municipal Administrator and/or Municipal Board of Health and/or the Zoning Officer are hereby authorized and directed to enforce all provisions of this article.

§ 149-25 Violations and penalties.

[Amended 2-6-1997]

Any person, firm or corporation who violates or neglects to comply with any provision of this chapter or any rule, regulation or directive promulgated pursuant thereto shall be punishable, upon conviction thereof, by one or more of the following: a fine of not less than \$100 and not more than \$1,000, by up to 90 days in jail or a period of community service not to exceed 90 days. Each and every day that said violation continues shall be considered a separate offense.

ARTICLE 4 Solid Waste and Recyclables Collection (§ 149-26 — § 149-28)

[Adopted 4-20-2004

Editor's Note: This ordinance also adopted the definition of "solid waste collection," which definition was added to § [149-1](#), Definitions.

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§ 149-26 Hours of collection.

Solid waste and recyclables collection, including all activities relating thereto including, but not limited to, the starting and operation of vehicles and machinery related to solid waste and recycling collection, shall not begin before 6:00 a.m. and shall not continue after 6:00 p.m., Monday through Saturday.

§ 149-27 Completion of routes after normal hours permitted on occasional basis.

The municipal contract hauler for the Township of Chester shall be permitted to complete established routes, on an occasional basis if necessary, after 6:00 p.m.

§ 149-28 Violations and penalties.

Any person who violates any provision of this article shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

ARTICLE 5 Refuse Containers and Dumpsters (§ 149-29 — § 149-35)

[Adopted 10-19-2010 by Ord. No. 2010-16]

§ 149-29 Establishment.

There is hereby established an article requiring dumpsters and other refuse containers that are outdoors or exposed to storm water to be covered at all times and prohibiting the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Chester and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 149-30 Definitions.

For the purpose 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM

A conveyance or system of conveyances (including roads with drainage systems, channels or storm drains) that is owned or operated by the Township of Chester or other public body, and is designed and used for collecting and conveying storm water.

PERSON

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

REFUSE CONTAINER

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 149-31 Covering of containers; prevention of leaks and discharges.**A.**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

B.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm

sewer system(s) operated by the Township of Chester.

§ 149-32 **Exceptions to prohibition.**

Exceptions to said prohibition are as follows:

A.

Permitted temporary demolition containers.

B.

Litter receptacles (other than dumpsters or other bulk containers).

C.

Individual homeowner trash, recycling containers and compost bins.

D.

Refuse containers at facilities authorized to discharge storm water under a valid NJPDES Permit.

E.

Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 149-33 **Enforcement.**

This article shall be enforced by the Building Department, Township Engineer or his designee, Zoning Official and Police Department of the Township of Chester.

§ 149-34 **Violations and penalties.**

Any person(s) found to be in violation of the provisions of this article shall be subject to one warning. After the first warning, the fine for the second violation shall not exceed \$500. For each subsequent violation, the fine shall not exceed \$1,000 per violation.

§ 149-35 **Severability.**

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