

Chapter 144 SOLID WASTE

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

ARTICLE I Recycling

[Adopted 12-19-1990 by Ord. No. 90-20; amended 3-15-1995 by Ord. No. 95-1; 3-19-1997 by Ord. No. 97-4; 7-8-2002 by Ord. No. 02-23; 12-13-2004 by Ord. No. 23-04. Amended in its entirety 10-13-2008 by Ord. No. 14-08]

§ 144-1. Purpose.

The purpose of this amended Article I and other recycling requirements is to implement an updated recycling plan in the Borough of Mount Arlington consistent with the March 2007 Morris County Solid Waste Management Plan Amendment.

§ 144-2. Definitions.

COMMINGLED— A combining of nonputrescible source-separated recyclable materials for the purpose of recycling;

DESIGNATED RECYCLABLE MATERIALS — 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 — 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.

BRUSH — Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

CORRUGATED CARDBOARD — Shipping containers made with kraft paper linerboard and corrugated medium.

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.

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

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.

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.

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

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.

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, #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.

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 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 — 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.

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

WHOLE TIRES* — Tires that are whole, not chipped into small pieces.

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

MUNICIPAL RECYCLING COORDINATOR — Supervisor of the Department of Public Works appointed by the Borough 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 therefore;

MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR — The Borough Health Officer and the Borough Recycling Coordinator who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment at Section 8.6.

MUNICIPAL SOLID WASTE (MSW) STREAM — All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Borough of Mount Arlington which is not bulky waste or construction and demolition debris.

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.

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.

§ 144-3. 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 Borough of Mount Arlington, 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 borough.
- B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the borough may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the Article 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 Borough Recycling Coordinator of the total number of tons collected and recycled for each designated material.

§ 144-4. Municipal solid waste recycling goal.

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Borough of Mount Arlington accepts the goal of fifty percent (50%) recycling of borough solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of fifty percent (50%) of the municipal solid waste generated within its borders.

§ 144-5. Collection of recyclable materials.

A. Separation of designated recyclable materials and required practices for residential users. The recyclable materials stated herein must be separate from other solid waste and must conform to the following regulations:

- (1) The owner or occupant of the premises shall keep clean and in safe handling condition all glass bottles and jars, aluminum cans, plastic bottles (coded 1 and 2), and steel (tin) cans, which may be commingled, shall be reasonably cleaned and stored in standard solid waste containers. All containers and brown paper bags shall be placed, prior to collection, at curbside or as near to the street to be readily accessible to the collector without providing obstruction to pedestrians. Receptacles or other items to be disposed of shall be placed as noted above any time 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 container shall be removed from the curbside by no later than 7:00 p.m. of the day of collection in accordance with the schedule adopted and advertised by the borough, or they may be deposited in designated areas of the Borough Recycling Center during designated hours.
- (2) Reserved.
- (3) Scrap metals. Metal (as described in Chapter 144, Solid Waste, Article II) may be deposited in designated areas of the Borough Recycling Center or may be picked up by the borough through special arrangements with the Borough Recycling Coordinator or his/her designee.
- (4) Newspapers shall be compacted and tied securely in bundles not exceeding 50 pounds in weight and twelve (12) inches in height. All bundles shall be deposited at curbside in accordance with the schedule adopted and advertised by the borough, or bundles may be deposited in designated areas of the Borough Recycling Center during designated hours.
- (5) Office paper shall be bundled in the same manner as newspaper or corrugated cardboard and deposited in designated areas of the Recycling Center during designated hours.
- (6) Corrugated cardboard and paperboard shall be flattened and tied into bundles not to exceed fifty (50) pounds or twelve (12) inches in height. Bundles are to be deposited at curbside in accordance with the schedule adopted and advertised by the borough, or bundles may be deposited in designated areas of the Borough Recycling Center during designated hours.

- (7) Magazines shall be tied into bundles not to exceed fifty (50) pounds in weight or twelve (12) inches in height. The bundles are to be placed at curbside in accordance with the schedule adopted and advertised by the borough, or bundles may be deposited in designated areas of the Borough Recycling Center during designated hours.
- (8) Yard waste.
- (a) Definitions. For the purposes of this subsection, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter 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.
- [1] 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 into contact with storm water.
- [2] PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.
- [3] 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 pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- [4] YARD WASTE — Leaves, brush, and grass clippings.
- (b) Leaves. The borough, through a qualified contractor hired by the borough, will either collect leaves which are bundled in bags and placed at the curb during autumn months, or leaves may be bundled in bags and deposited in designated areas of the Borough Recycling Center. A collection schedule shall be published in the official borough calendar provided to each resident.
- (c) Brush and branches. The borough, through a qualified contractor hired by the borough, will collect any residential brush and branches during the spring and/or fall of each year. All brush and branches must be cut and tied into manageable bundles, not to exceed four feet in length, and placed at curbside. A collection schedule shall be published in the official borough calendar provided to each resident. Untied branches and brush will not be picked up.
- (d) Grass clippings. Grass clippings shall be brought to the Borough Recycling Center or placed in brown paper bags and left at curbside.
- (e) Prohibited conduct. 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.
- (9) Batteries. Only household batteries are to be deposited in the Borough Recycling Center.

(10) (Reserved).

B. Separation of designated recyclable materials and required practices for commercial and institutional establishments.

(1) All commercial establishments, whether for profit or nonprofit, and all public and private institutional users shall be required to source-separate all designated materials (glass bottles and jars, aluminum cans and steel (tin) cans, newspaper, mixed paper, corrugated cardboard, and leaves, grass clippings, brush, natural wood waste, used motor oil, oil-contaminated soil, whole tires, lead-acid batteries, hazardous dry cell batteries and plastic bottles (coded 1 and 2), metal appliances) for recycling. It shall be the responsibility of the commercial and/or institutional establishment to establish its own programs for the collection, transportation and marketing of the designated recyclable materials. Documentation of the tonnage of materials recycled is to be submitted to the borough in accordance with Section 144-7C.

(2) Recycling programs for commercial and/or institutional establishments shall be arranged with private haulers or vendors. These establishments may obtain information from the Borough Recycling Coordinator or his/her designee in complying with this requirement. It is the responsibility of the commercial or institutional user to determine and notify the borough in writing that its hauler, contractor and/or vendor is properly licensed and insured and, in the case of used motor oil haulers, that such haulers have all necessary DEP (New Jersey Department of Environmental Protection) permits and/or licenses.

C. The hours of operation of the Borough Recycling Center are posted at the gate to the Recycling Center and shall be advertised annually in the official newspaper. No person, firm, corporation or institution shall be permitted to utilize the Recycling Center except borough residents and only during regularly scheduled hours of operation.

§ 144-6. Residential dwelling compliance requirements.

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 Borough Recycling Coordinator. 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 (6) months during their occupancy.

§ 144-7. 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 Article.

B. 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 and their private haulers shall report on an annual basis to the Borough 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, 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.

§ 144-8. Reserved.

§ 144-9. Scavengers.

Any recyclable materials placed at curbside or in the Borough Recycling Center in accordance with this Article are the property of the Borough of Mount Arlington and/or its authorized agent. No person, firm, corporation or institution shall collect, pick up or cause to be collected or picked up any recyclables placed at curbside, unless authorized to do so by the Borough of Mount Arlington.

§ 144-10. Sale, donation and documentation of recyclable material.

- A. Any person, firm, corporation or institution who is an owner, lessee or occupant of premises subject to this article may donate or sell recyclable materials to any person, partnership, corporation or organization (whether operating for profit or not for profit), so long as the person, firm, corporation or institution receiving such recyclable materials submits documentation to the Municipal Recycling Coordinator pursuant to this section.
- B. This Article is in no way intended to prohibit the collection of recyclable materials through recycling drives by charitable organizations within Mount Arlington. Such organizations may conduct drives to be held on days other than those designated for collection by the Borough of Mount Arlington or its designee if:
 - (1) The organization shall first secure permission from the Recycling Coordinator or his/her designee; and
 - (2) Shall submit documentation to the Recycling Coordinator within thirty (30) days after completion of the drive, listing the recyclable material collected, the tonnage and place of disposal.

§ 144-11. Reserved.

§ 144-12. 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 Article and the Borough Solid Waste Ordinance.
- C. All persons, firms, corporations or institutions who are the owners, lessors or occupants of any premises within the Borough of Mount Arlington shall be required to source-separate all designated materials from all other solid waste, in accordance with this Article.
- D. It shall be the responsibility of the person, firm, corporation or institution whose solid waste was not removed, because it contained recyclables, to properly segregate the uncollected waste for proper recycling. No such person, firm, corporation or institution shall suffer or permit any such solid waste to remain at curbside longer than twelve (12) hours after the end of the collection day.
- E. Special materials shall not be accepted at the Borough Recycling Center.

§ 144-13. Enforcement.

The Borough Health Officer and the Borough Recycling Coordinator are 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.

§ 144-14. Penalty for noncompliance with source separation requirement.

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, upon conviction thereof, be punishable by a fine of not less than twenty-five dollars (\$25.), nor more than one thousand dollars (\$1000.).

Each day for which a violation of this Article occurs shall be considered a separate offense.

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 to operate the Borough Recycling Program.

ARTICLE II Collection

[Adopted 2-20-1991 by Ord. No. 91-1; amended 10-13-2008 by Ord. No. 14-08]

§ 144-15. Purpose.

The purpose of this article is to set forth procedures, rules, regulations and fee schedules for the collection of garbage and waste products by the Borough of Mount Arlington.

§ 144-16. Definitions.

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

ALUMINUM — All products made of aluminum, excluding designated recyclable aluminum cans as defined in Chapter 144, Article I, Recycling of the Borough Code.

BULK ITEMS — Any large, heavy and/or bulky household appliances, furniture or furnishings which cannot easily and safely be placed in the common collection vehicle used for the removal of garbage within the Borough of Mount Arlington.

COMMERCIAL SOLID WASTE — Any garbage, refuse, rubbish and trash resulting or originating from any commercial user premises or activity.

COMMERCIAL USER — Any nonresidential building, use or establishment, including but not limited to those used for retail, wholesale, dining, office, professional, shipping and receiving, mechanical, manufacturing and cafeteria purposes.

DEBRIS — Stones, dirt, demolition material, broken concrete and other similar material.

EXCLUDED USER — The property owner, tenant or occupant of any place other than an included user as hereinafter defined, and shall include but not be limited to any type of industrial user, any business establishment, any professional establishment and any apartment dwelling, hotel dwelling, house, condominium or other building having more than four dwelling units.

GARBAGE — Any animal or vegetable waste solids resulting from the handling, preparation, cooking or consumption of foods, not included human waste.

GENERAL CONTRACTOR — Any person and/or firm engaged in a business of service, construction, repairing, refurbishing or remodeling of buildings, the demolition of buildings or the care and maintenance of buildings or grounds.

GLASS – All products made from silica, sand, soda, ash and limestone, the product being translucent and transparent and being used for packaging or bottling of various materials, excluding designated recyclable glass bottles and jars as defined in Chapter 144, Article I, Recycling of the Borough Code and blue and flat glass (commonly known as “window glass”).

HAZARDOUS MATERIALS — Wastes presenting a danger to the health and safety of the public by reason of their pathological, explosive, radiological or toxic characteristics.

HAZARDOUS WASTE — All waste which is deemed to be chemical waste, hazardous waste or infectious waste, as defined by N.J.S.A. 13:1E-51k, and which shall include but not be limited to wastes which are flammable, corrosive or explosive or which, by themselves or in combination with other waste, would be hazardous to life or property.

INCLUDED USER — The property owner, tenant or occupant of a residence as hereinafter defined under "residential user," as well as all public schools, churches and private schools.

INSTITUTIONAL SOLID WASTE — Any garbage, refuse, rubbish and trash resulting or originating from any institutional user, premises or activity.

INSTITUTIONAL USER — Any corporation, association, organization, establishment, or foundation, operating not for profit, dedicated to public services, education or culture, including but not limited to any religious, educational, health care and governmental corporation, association, organization or foundation.

RESIDENTIAL USER — Any person who owns, leases and/or occupies any residential dwelling unit within the Borough of Mount Arlington, including but not limited to, those in multi-family (apartment complexes and condominiums) and/or single family buildings.

RESIDENTIAL SOLID WASTE — Any garbage, refuse, rubbish and trash resulting or originating from any residential user, premises or activity.

REFUSE AND TRASH — Combustibles such as paper, wood, plastic, yard debris and non-combustibles such as metal, glass, ceramics and stone, excluding designated recyclable materials regulated by Chapter 144, Article I, Recycling, of the Borough Code.

SCAVENGER — Any unauthorized or unlicensed person, firm or corporation that collects, picks up or causes to be collected or picked up any recyclables placed at the curb or in the Borough Recycling Center.

SCRAP METALS - All metals, except aluminum cans and steel (tin) cans, including but not limited to steel, iron, brass, copper in the form of pipes, appliances, tire rims or bicycles. **[Amended 3-19-1997 by Ord. No. 97-4]**

SOLID WASTE CONTRACTOR — A person or firm engaged in the business of solid waste collection and/or disposal, properly licensed by the Borough of Mount Arlington and doing business in Mount Arlington in the County of Morris and State of New Jersey. **[Amended 7-9-2001 by Ord. No. 01-15]**

SPECIAL MATERIALS — Bulky materials or other solid waste, such as broken concrete, sod, dirt and building materials, not generated by a demolition debris general contractor or which cannot be stored in a standard solid waste container but can be collected by a standard collection vehicle.

STANDARD SOLID WASTE CONTAINER — A standard watertight vessel designed and constructed for the storage of garbage, refuse, rubbish and trash made of metal or plastic with a tight-fitting lid or cover and handles for unloading. “Standard solid waste containers” shall not have a volume larger than 32 gallons and shall not weigh more than 50 pounds when placed at the curb for collection; or, alternatively, tightly sealed, plastic disposal bags are acceptable, provided that such bags are capable of containing up to 50 pounds of refuse when lifted.

§ 144-17. Included users and charges. [Amended 3-6-1991 by Ord. No. 91-2; 2-19-1992 by Ord. No. 92-1; 10-21-1992 by Ord. No. 92-14; 2-19-1997 by Ord. No. 97-3; 12-7-1998 by Ord. No. 98-25; 7-9-2001 by Ord. No. 01-15]

- A. Each single-family, two-family, three-family and four-family residence shall be serviced by the borough and shall pay a quarterly fee of \$60 per dwelling unit for the disposal of their garbage, bulk waste, vegetative waste and recyclables. Included users shall be entitled to collection of three containers of garbage once per week. **[Amended 3-25-2002 by Ord. No. 02-13]**
- B. The Borough of Mount Arlington shall bill the record owner of each residence, church and school for garbage pickup on an annual basis. Such charges shall constitute a lien on the property in question and, if not paid, shall be collected in the same manner as collection for delinquent taxes as provided by law. The Borough Administrator shall be directed to place a notation on any search for municipal liens conducted on the property in question that arrearages exist which must be paid before the property in question can be sold or otherwise transferred free and clear of said garbage charge.
- C. It shall be the responsibility of the record owners of property entitled to garbage and waste removal under the provisions of the Code of the Borough of Mount Arlington to pay the fees set forth in Subsection A.
- D. Every church and every school shall have the opportunity to provide for the lawful collection and disposal of its garbage, hazardous waste, bulk items and any other form of solid waste as an excluded user by notifying the borough of its intention to do so 30 days prior to the commencement of any quarterly period. Once a church or private school shall elect to be treated as an excluded user, that church or private school shall remain an excluded user and shall not be permitted to become an included user thereafter.

§ 144-18. Excluded users; proof of service.

- A. Every excluded user shall be responsible for the lawful collection and disposal of its garbage, hazardous waste, bulk items and any other form of solid waste through the services of a solid waste collection contractor.
- B. Every excluded user shall supply to the Borough Administrator proof of having obtained the services of a solid waste collection contractor for the collection and disposal of its own garbage and all other forms of refuse as set forth in Subsection A.
- C. Proof of service shall mean a written record, log, bill or document evidencing receipt of service for the collection and disposal of garbage and all other forms of refuse as set forth in Subsection A. Sufficient proof shall contain the user's name, the owner's name if the user is a tenant, the address, total cost per unit or period number and period of service.
- D. Records, logs, ledgers, documents and memorialized owner records in any form will not be deemed sufficient proof.
- E. Nothing in the section shall supersede the provisions of N.J.S.A. 13:1E et seq. [**Amended 3-5-1995 by Ord. No. 95-1**]

§ 144-19. Preparation for collection and disposal.

Except as otherwise noted, all included and excluded users shall be subject to the following rules and regulations set forth within this section.

- A. Containers for garbage shall be provided by the owner, tenant, lessee or occupant of the premises and shall be maintained in a clean, safe and good condition. Any container that does not conform to the provision of this section or that may have ragged or sharp edges or any defect liable to hamper or injure the person collecting the contents thereof shall not be utilized. The collector shall have authority to refuse collection services for failure to comply herewith.
- B. Appropriate containers.
 - (1) The containers shall be galvanized of plastic composition, shall not exceed 40 gallons in capacity, shall be no heavier than 25 pounds when filled, shall have a lid or cover and shall have two sturdy handles.
 - (2) Plastic bags not less than two mils thick nor larger than 40 gallons may be used if properly tied, and shall be no heavier than 25 pounds.
- C. All food products and residue shall be thoroughly and completely drained of all liquids, wrapped securely in paper and placed in a receptacle as hereinafter set forth.
- D. All nonrecyclable broken glass or any other dangerous materials shall be placed in a secure container to facilitate safe loading of broken glass or other dangerous material.
- E. Leaves, brush and grass will not be collected as part of the regular garbage pickup. These items shall be collected as part of a special collection program to be established by the Borough from time to time.
- F. No persons shall place on the curb or anywhere else for purposes of collection any explosive or highly flammable materials or hazardous waste, inclusive of but not limited to benzene,

gasoline, petroleum, explosive powder or nitrocellulose film. No person shall place in any receptacle any garbage, refuse or any other material which could be injurious to the collectors of the municipality.

- G. Included users shall be permitted to dispose of bulk items. The Borough of Mount Arlington, through its solid waste collection contract, reserves the right to refuse excessively bulky or heavy items and will not dispose of such items as motor engine blocks, automobile bodies or portions thereof, truck bodies or parts and other such items not ordinarily collected. No refrigerators shall be placed for collection or disposal unless and until the door of the refrigerator and/or freezer has been completely removed from the hinges and the lock has been rendered inoperable. [Amended 7-9-2001 by Ord. No. 01-15]
- H. Each container of garbage shall be placed on level ground or surface by the property owner, tenant or other person placing garbage for collection, or from whose property such garbage is proposed to be collected, so that it does not easily upset.
- I. If any container of garbage is upset or overturned other than by the Borough employees engaged in garbage or refuse collection, the property owner, tenant or other person placing the garbage for municipal collection shall promptly clean up such spill of garbage and restore it to a suitable container as defined hereinabove.
- J. No person shall place any of the items referred to in this section for collection in any street or highway, either for collection by the municipality or by private disposal.
- K. If any Borough employee in the course of his duties observes noncompliance with any of the regulations of this section, he shall immediately notify the tenant or landowner of noncompliance personally or by written statement left on the premises. Each such instance of noncollection shall be reported to the Borough Police Department by the person in charge of the particular truck not making the collection. [Amended 3-15-1995 by Ord. No. 95-1]
- L. No trash or garbage shall be deposited upon any sidewalk, public street or any other public place.
- M. Receptacles by excluded users utilizing a private solid waste collection contractor must meet the minimum requirements as set forth herein. However, said receptacles may be larger in size, so long as they are capable of being closed or otherwise protected from wind or other elements, are rodentproof and waterproof, are cleaned and sanitized as required and are conveniently located on the premises for storage or refuse and are maintained in such a manner as to prevent creation of a nuisance or menace to the public health. Excluded users shall arrange to have refuse removed daily unless suitable facilities are provided for the storage of solid waste until its removal. [Amended 3-15-1995 by Ord. No. 95-1]
- N. Any solid waste placed at the curb shall be placed in such a manner as not to create a public nuisance and safety hazard.
- O. The borough shall not be required to make garbage or trash collection from the premises of any included user whereon a dog is permitted to run loose.
- P. No person or persons shall prevent or interfere with any agent, servant or employee of the borough in the sweeping or cleaning of any street or removal therefrom of sweepings, ashes, garbage, rubbish or paper or other refuse materials or in the collection of garbage, trash, waste, ashes, rubbish or similar material or permit such container to remain at curbside longer than twelve (12) hours after the end of the collection day.
- Q. It shall be unlawful for any person to mix designated recyclable materials with solid waste prepared for collection and disposal. All persons shall comply with the requirements of the borough's Recycling Program in Chapter 144, Article I, Recycling, of the Borough Code.

§ 144-20. Collection schedules.

- A. Collection from included users shall be in accordance with a schedule announced by the Borough of Mount Arlington, which may be from time to time amended upon proper notice and publication.
- B. For collection pursuant to a schedule announced by the Borough of Mount Arlington, all approved containers must be placed at the curblin where easily accessible. No containers shall be set up prior to 5:00 p.m. on the day prior to collection, and all containers shall be removed by 8:00 p.m. on the collection day. When a regular collection day falls on a legal holiday, containers shall be set out for pickup on the next scheduled collection day.

§ 144-21. Restrictions on collectors.

- A. Collection shall be done in a quiet and orderly manner in compliance with all applicable statutes and Chapter 118, Noise, within the Borough of Mount Arlington.
- B. All solid waste collection contractors shall comply with the ordinances of the Borough and rules and regulations and orders of the Borough Administrator, as well as all applicable state, county and federal laws and regulations.
- C. All vehicles of solid waste collection contractors shall be of a closed type and of such construction and loaded in such a fashion that no part of the contents shall fall, leak or spill therefrom.

§ 144-22. Transportation from outside municipality.

- A. No person shall bring, cart, remove, transport or collect any solid waste, whether garbage, paper, ashes, rubbish, waste materials, construction debris, bulk items, hazardous waste or trade, from outside this municipality or into this municipality for purposes of dumping or disposing thereof.
- B. No person shall bring, cart, remove, transport or collect any trade waste, waste materials, construction debris, hazardous waste or bulk items from an excluded user and place for collection with the solid waste of a residential user. Such solid waste shall be disposed of separately and in accordance with this article.

§ 144-23. Violations and penalties; enforcement. [Amended 3-15-1995 by Ord. No. 95-1; 7-8-02 by Ord. No. 02-23]

- A. Any person violating any part of this article shall, upon conviction thereof, be liable to the penalty provided by Chapter 1, Article III. However, where the penalty for such offense may be limited by a state statute, then such limitation shall be applicable notwithstanding the provisions of this article.
- B. This article shall be enforced by the Borough Administrator or the Health Officer or any of their authorized representatives or any Mount Arlington Police Officer.¹

¹ Editor's Note: Former Schedule A, Bulk Items, which followed this subsection, was deleted 7-9-2001 by Ord. No. 01-15.

Chapter 144 SOLID WASTE

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