

§ 368-1. Receptacle required.

It shall be the duty of every owner, householder, tenant, lessee and occupant of any and every dwelling in the Borough of Edgewater to provide and at all times hereafter to keep on his premises a receptacle or receptacles for receiving and holding all the ashes and garbage that may accumulate from said building.

§ 368-2. Specifications for receptacles.

Every receptacle designed and used to hold garbage shall be made of some suitable metal and have a proper cover.

**§ 368-3. Janitorial services for multiple dwellings required.
[Added 5-5-1981 by Ord. No. 688-81]**

In every multiple dwelling consisting of three or more dwelling units, the owner shall provide or designate a superintendent, janitor, caretaker or housekeeper who shall at all times maintain the premises in compliance with the provisions of this article and who shall keep the premises free from garbage, refuse and rubbish and who shall be responsible for the daily collection of garbage and other refuse from the occupants thereof at a reasonable time and place the same out for collection. Said person shall be regularly available on the premises to perform the aforesaid duties. In the case of any multiple dwelling consisting of 20 or more units, said person shall reside on the premises. The name of said superintendent, janitor, caretaker or housekeeper shall be made known to all tenants residing therein, and in the event that said person is not required to reside on the premises under the provisions of this section, then and in that event the owner or operator shall make known his name, address and telephone number to all tenants and shall register same with the public officer and shall also inform the tenants and the public officer of the name of another individual who shall be responsible at all times to perform the aforesaid duties in the absence of the designated superintendent, janitor, caretaker or housekeeper. As used herein, the term "public officer" shall mean the individual or individuals charged with the enforcement of the provisions of this article. The failure of the person so designated to perform the duties required to comply with the provisions of this article, even in disobedience of instructions, shall not relieve the owner or operator of the duties or responsibilities imposed by this article.

§ 368-4. Violations and penalties. [Amended 9-20-20107 by Ord. No. 1439-2010]

Violations of the provisions of this article shall be punishable as provided in Chapter 1, Article II, General Penalty.

§ 368-5. Permit required.

No person, firm, partnership, corporation or other entity shall place or cause to be placed on any property within the Borough of Edgewater a container, dumpster or receptacle for construction debris without first obtaining a permit therefor. As used herein, the term "construction debris" shall mean any scrap lumber, metal, earth, sand, bricks, stone, plaster, roofing and siding material and any other debris of a similar nature which accumulates and is incidental to the construction or major renovation of any type of structure.

§ 368-6. Issuance of permit. [Amended 9-20-2010 by Ord. No. 1439-2010]

A permit under this article shall be obtained from the Construction Official upon the payment of a fee of \$25. An appropriate application shall be filed by the person, firm, corporation, partnership or other entity seeking such permit, which shall set forth the length of time such container, dumpster or receptacle shall be on the applicant's premises.

§ 368-7. Placement of containers.

- A. Any container, dumpster or receptacle requiring a permit under this article shall be located on the applicant's property, if feasible.
- B. The container, dumpster or receptacle shall be situated in such a location or manner as deemed appropriate by the Construction Official so as to prevent injury to children and other persons. Under no circumstances may any items other than construction debris be placed in the receptacle.
- C. There shall be placed on every container, dumpster or receptacle identification setting forth the name, address and telephone number of the owner of such container, dumpster or receptacle.
- D. In the event that an applicant seeks placement of a container, dumpster or receptacle on public property, such applicant shall first secure the approval concerning the placement thereof from the Chief of Police and/or Police Director. Any approval issued by the Chief of Police and/or Police Director shall be submitted by

the applicant, together with the application, to the Construction Official. **[Amended 3-20-2017 by Ord. No. 1541-2017]**

- E. Any person obtaining approval for the placement of a container, dumpster or receptacle on public property shall be required to place reflectors, cones, flashing lights or other safety equipment on or about the container, dumpster or receptacle, as determined by the Chief of Police and/or Police Director. **[Amended 3-20-2017 by Ord. No. 1541-2017]**

§ 368-8. Duration of permit; nonrenewability.

- A. Any permit issued pursuant to § 368-7A of this article shall be valid for a period of 60 days, in which time the container, dumpster or receptacle shall be removed from the premises. In order to ensure the removal of the container, dumpster or receptacle from the property, the applicant therefor shall post a bond, in a form to be approved by the Borough, prior to the issuance of such permit.
- B. Any permit issued pursuant to § 368-7D of this article shall be valid for a period of 14 days, in which time the container, dumpster or receptacle shall be removed from the public property. In order to ensure the removal of the container, dumpster or receptacle from the property, the applicant therefor shall post a bond, in the form to be approved by the Borough, prior to the issuance of such permit.
- C. Upon the expiration of the period for which a permit is valid under this article, such permit shall be nonrenewable.

§ 368-9. Violations and penalties. [Amended 9-20-2010 by Ord. No. 1439-2010]

Any person who shall violate the provisions of this article shall, upon conviction thereof, be punishable as provided in Chapter 1, Article II, General Penalty. Each and every day a violation of this article shall occur shall be deemed to be a separate offense.

§ 368-10. Purpose.

The purpose of this article is to conserve nonrenewable petroleum resources, to preserve and enhance the quality of the environment and to protect the public health and welfare.

**§ 368-11. Standards for the management of used oil.
[Amended 9-20-2010 by Ord. No. 1439-2010]**

The provisions of the New Jersey Administrative Code, Title 7, "Environmental Protection," Chapter 26A, "Recycling Rules," Subchapter 6, "Standards for the Management of Used Oil," N.J.A.C. 7:26A-6.1 et seq., are in effect and shall be enforced in the Borough of Edgewater.¹

§ 368-12. Violations and penalties.²

Any person, firm, corporation or other entity who violates or fails to comply with any provision of this article or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable as provided in Chapter 1, Article II, General Penalty.

§ 368-13. Definitions.

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

BOROUGH RECYCLING COORDINATOR — The person or persons appointed by the Mayor and Council and who shall be authorized to, among other things, enforce the provisions of this article and any rules and regulations which may be promulgated hereunder.

BOROUGH SOLID WASTE STREAMS — All solid waste generated at residential, commercial and institutional establishments within the boundaries of the Borough of Edgewater.

CARDBOARD — Corrugated cardboard, cereal boxes, etc.

CO-MINGLED GOODS — Combined aluminum cans, tin cans, Type 1 and Type 2 plastic containers, and glass goods.

CO-MINGLING — The combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

CONSTRUCTION AND DEMOLITION DEBRIS — Material and debris that typically results from construction and/or demolition at residential, commercial and/or industrial sites in the Borough, including concrete, brick, tree parts, nonferrous/ferrous metal, asphalt, corrugated cardboard, etc.

DESIGNATED RECYCLABLE MATERIALS — Those materials designated within the Borough of Edgewater District Solid Waste

1. Editor's Note: Former §§ 201-10 through 201-13, containing specific provisions for the disposal of used oil, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Management Plan to be source-separated for the purpose of recycling. This definition shall include co-mingled goods, white goods, cardboard, mixed paper, leaves, grass clippings, construction and demolition debris, electronic waste, and household hazardous waste, all as defined herein.

ELECTRONIC WASTE — A computer central-processing unit and associated hardware, including keyboards, modems, printers, scanners and fax machines; a cathode ray tube; a cathode ray tube device; a flat panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television; and cell phones.

HOUSEHOLD HAZARDOUS WASTE — Paint and other household chemicals that are not safe to dispose of with solid waste collection due to flammability and/or danger posed to solid waste collection workers.

LEAVES — Any leaves that fall during leaf season.

MIXED PAPER — Newspaper, magazines, junk mail, high-grade office paper, etc.

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 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.).

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 from solid waste at the point of generation by the generator thereof for the purposes of recycling.

WHITE GOODS — Any metal items, such as refrigerators, ovens, bed frames, etc., other than materials defined herein as co-mingled goods.

§ 368-14. 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 Edgewater, 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 and shall be placed separately at the curb in a manner and on such days and times as designated herein or as may be hereinafter established by regulations promulgated by the Edgewater Department of Public Works.
- B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the Mayor and Council of the Borough may exempt persons occupying commercial or institutional premises within its Borough boundaries from the source-separation requirements of the article which require persons generating Borough solid waste within its Borough boundaries to source-separate from the Borough 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 article, a commercial or institutional generator of solid waste shall file an application for exemption with the Borough Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information:
- (1) The name of the commercial or institutional entity;
 - (2) The street address location and lot and block designation;
 - (3) The name, official title and phone number of the person making application on behalf of the commercial or institutional entity;
 - (4) The name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials; and
 - (5) 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.

§ 368-15. Collection of recyclable materials; mandatory recycling.

- A. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk or, in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. Receptacles or other items to be disposed of shall be placed as noted above any time after 8:00 p.m. of the day immediately preceding the day of collection, but no later than 7:00 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. The owner or occupant of the premises shall keep all receptacles and dumpsters clean and maintained in a safe manner and in accordance with the Health Code of the Borough of Edgewater.³
- C. The recycling of the following recyclable materials is mandatory in the Borough of Edgewater, and collection and/or disposal of these materials shall be in the manner prescribed as follows, or at times and in the manner prescribed by regulations adopted by the Edgewater Department of Public Works.
- (1) Cardboard: collected on Mondays for residents, including high-rises and businesses that elect to have cardboard collected; may also be dropped at the Borough recycling facility at 540 River Road, Edgewater.
 - (2) Mixed paper: collected on Wednesdays, alternating weeks between areas north and south of Route 5; may also be dropped at the Borough recycling facility at 540 River Road, Edgewater.
 - (3) Co-mingled goods: collected on Thursdays, alternating weeks between areas north and south of Route 5; may also be dropped at the Borough recycling facility at 540 River Road, Edgewater.
 - (4) White goods and ferrous scrap metals: collected on Fridays by appointment only; may also be dropped at the Borough recycling facility at 540 River Road, Edgewater.

3. Editor's Note: See Ch. 529, Solid Waste Disposal, in Part III, Board of Health Legislation, of the Code.

- (5) Electronic goods: collected on Fridays by appointment only; may also be dropped at the Borough recycling facility at 540 River Road, Edgewater.
- (6) Leaves: collected between approximately October 15 and December 31, as Borough schedule permits.
- (7) Grass clippings: collected on normal garbage collection days.
- (8) Construction and demolition debris: must be collected by private contractor; arrangements to be made by resident/business.
- (9) Batteries: may be dropped at the Borough recycling facility at 540 River Road, Edgewater.
- (10) Household hazardous waste: must be taken to county drop-off location.

§ 368-16. 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 appropriate Borough 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.

§ 368-17. Nonresidential establishment compliance requirements.

- 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 recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or his/her designee, unless the Borough provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle and shall provide for separate recycling service for their contents.

- C. Every business, institution or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at the premises, including the amount of recycled material, by material type collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments, as defined in the Health Code,⁴ 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, as detailed in Article III of this chapter.

§ 368-18. New developments of multifamily residential units or commercial, institutional or industrial properties.

- A. Any application to the Planning Board of the Borough of Edgewater 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 Borough Recycling Coordinator.
- B. Prior to the issuance of a certificate of occupancy by the Borough of Edgewater, the owner of any new multifamily housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials in those instances where the Borough does not otherwise provide this service.

4. Editor's Note: See Ch. 483, Food and Beverage Handling, in Part III, Board of Health Legislation, in this Code.

- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Borough Engineer.

§ 368-19. Collection of solid waste mixed with recyclable materials prohibited.

- 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 local sanitary code.
- C. Once placed in the location identified by this article or any rules or regulations promulgated pursuant to this article, no person, other than those authorized by the Borough, shall tamper with, collect, remove or otherwise handle designated recyclable materials.

§ 368-20. Enforcement.

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Bergen County Department of Health are hereby individually and severally empowered to enforce the provisions of this article. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 368-21. Violations and penalties.

- A. 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 not less than \$250, nor more than \$1,000. Each day for which a violation of this article occurs shall be considered a separate offense.

- B. Fines levied and collected pursuant to the provisions of this article shall be immediately deposited into the Borough Recycling Trust Fund (or equivalent). Monies in the Borough Recycling Trust Fund shall be used for the expenses of the Borough recycling program, including the cost of purchasing equipment used for the collection of recyclables.

§ 368-22. Construal.

Nothing herein shall create or be construed to create any obligation on the part of the Borough of Edgewater to collect any recyclable materials in the Borough of Edgewater or to collect any recyclable materials more or less frequently or to more or fewer persons, other than those obligations pursuant to contract, statute, regulation or ordinance that may exist as of the date of adoption of this article.

§ 368-23. Definitions.

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

COVERED PROJECT — A construction, renovation or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

§ 368-24. Construction, renovation, demolition debris recovery plan.

A debris recovery plan shall be filed with the Borough Recycling Coordinator prior to the commencement of any activity for which municipal approval is requested as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

§ 368-25. Review of debris recovery plan.

- A. Approval: A debris recovery plan shall be reviewed by the Borough Recycling Coordinator, and approved if it provides for all of the information required by this article. An approved debris recovery plan shall be marked "Approved" and returned to the owner of the entity which submitted the plan.

- B. Denial: A debris recovery plan shall not be approved if it does not provide all of the information required by this article. If a debris recovery plan is not approved, the owner of the entity which submitted the plan shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity which will carry out the construction, renovation or demolition project shall make the required changes and resubmit the debris recovery plan to the Borough Recycling Coordinator.

§ 368-26. Diversion requirement adjustment.

- A. Application: If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in this article, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.
- B. Review: The Borough Recycling Coordinator shall review the information supplied by the owner. If warranted, the Borough Recycling Coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.
- C. Granting of an adjustment: If the Borough Recycling Coordinator determines that it is infeasible for the entity carrying out a covered project to divert 50% of the generated construction, renovation and demolition debris from the covered project, the percent of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of construction, renovation and demolition debris required by the adjustment.
- D. Denial of adjustment: If the Borough Recycling Coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this article, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

§ 368-27. Debris recovery plan reporting requirements.

Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit in person or by certified mail to the Borough Recycling Coordinator the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

- A. A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed;
- B. Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project; and
- C. Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

§ 368-28. Compliance with diversion requirement.

The Borough Recycling Coordinator shall review the information submitted pursuant to this article and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply, with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

§ 368-29. Appeal to Construction Official.

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this article to the Borough Construction Official within 30 days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision by the Construction Official shall be final.

§ 368-30. Enforcement.

The Code Enforcement Official, the Police Department, the Department of Health, the Borough Recycling Coordinator, the Property Maintenance Official, and the Housing Officer are hereby individually and severally empowered to enforce the provisions of this article. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of

dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of any recyclable material.

§ 368-31. 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, upon conviction thereof, be punishable by a fine not less than \$100, nor more than \$1,000.