

**BOROUGH OF BLOOMSBURY
COUNTY OF HUNTERDON**

ORDINANCE NO. 104-06

**AN ORDINANCE IMPLEMENTING GARBAGE AND PICKUP
PROCEDURES AND ESTABLISHING RECYCLING
REQUIREMENTS WITHIN THE BOROUGH OF BLOOMSBURY**

Be it ordained by the Mayor and Council of the Borough of Bloomsbury,
County of Hunterdon, State of New Jersey, as follows:

Definitions.

BULKY WASTE -- Includes television sets, mattresses, large furniture, large trash and similar materials not required to be recycled and which are accepted at the Borough's authorized solid waste disposal site.

GARBAGE RECEPTACLE -- Includes any light-gauge steel, plastic or galvanized receptacle, closed at one end and open at the other, furnished with a top or lid, and of a capacity not exceeding 32 gallons and not weighing more than 60 pounds when full. It shall also include plastic bags or liners of .0125 gauge or heavier, securely tied at the top and not exceeding 32 pounds gross weight.

SOLID WASTE -- Includes all garbage and rubbish normally placed at the curb at residential and nonresidential properties in the Borough of Bloomsbury for regular municipal collection. Solid waste shall not include "designated materials," as defined in Article II of this chapter.

Collection of solid waste by contractor; terms of contract.

All solid and bulky wastes which are generated by dwelling houses, hotels, victualing houses, stores, shops and other buildings in the Borough of Bloomsbury shall be collected by contract in

the manner set forth in the specifications prepared by the borough and the contract awarded pursuant thereto to the successful bidder according to the Local Public Contracts Law for a period not to exceed five years.

Collection vehicles.

It shall be the duty of such contractor who shall be awarded a contract for the collection of the borough's solid and bulky wastes to furnish a suitable number of scavenger trucks with watertight bodies and so protected on top that no solid waste or other refuse shall be blown or dropped from said vehicles. Each truck shall, at all times, have at least one broom and shovel to clean up solid waste that may be spilled or otherwise scattered during the process of collection. It shall be a violation of this article for any such contractor to neglect or refuse to clean up any solid waste or other refuse spilled or otherwise scattered during collection.

Days and hours of collection.

It shall be the duty of the contractor as aforesaid to pass through every street in said borough with one or more scavenger trucks between the hours of 7:00 a.m. and 6:00 p.m. on Thursday of each week and promptly remove the solid and bulky wastes from each place pursuant to the terms of the contract entered into between the borough and the contractor.

Placement and removal of garbage receptacles.

The owners of any premises receiving garbage collection services from the borough are hereby required to have all solid waste in garbage receptacles, to be placed adjacent to the street or traveled way in front of their premises or at such location as designated by the borough for

collection by the borough's contractor. Garbage receptacles shall not be placed out for collection prior to 6:00 p.m. on the day proceeding said collection and shall be removed from the street, traveled way or other authorized location by 8:00 p.m. on the collection day. Failure to comply with the requirements of this section shall be deemed a violation of this article. Each day that a garbage receptacle remains at the curb or other authorized location after the time authorized herein shall be deemed a separate offense.

Expenses of collection.

The expenses of said garbage collection shall be raised by general taxation, levied and assessed upon the tax ratables of said borough in the same way and manner as other borough taxes.

Prohibition against household garbage and waste being placed in dumpsters and roll-off containers.

No household garbage or waste shall be placed in any dumpster or roll-off container earmarked for the pickup of commercial or industrial solid waste.

Violations and penalties.

Any person who violates any of the provisions of this article, shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, by imprisonment in the county jail for a term not exceeding 90 days, by a period of community service not exceeding 90 days, or any combination thereof.

Definitions.

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

ALUMINUM -- Recyclable all-aluminum cans.

BROWN BAGS -- Brown paper bags.

CARDBOARD -- Paper used to construct boxes, including corrugated cardboard.

COMMERCIAL -- Any nonresidential building or establishment, including but not limited to those used for industrial purposes, 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 ridges, 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 Hunterdon County District Recycling Plan which are mandated to be source-separated for recycling; namely, glass, aluminum and high-grade aluminum, newspapers, corrugated cardboard, mixed paper, plastic (bottle No. 1 PETE and No. 2 HDPE), ferrous containers, yard waste, tires, vehicular batteries, white goods, motor oil, oil-contaminated soil, stumps, asphalt roofing shingles and household dry cell batteries and, in addition, brown bags and cardboard.

FERROUS CONTAINERS -- Steel and bimetal cans.

GLASS -- All bottles and jars made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter, and all other materials commonly known as "glass," excluding, however, blue and flat glass commonly known as "window glass" and glass used for cookware.

HIGH-GRADE ALUMINUM -- Aluminum packaging materials, such as foil, trays, caps, disposable pans, etc., other than all-aluminum beverage containers.

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

MIXED PAPER -- Includes all magazines, junk mail, envelopes, coupons, NCR paper, direct mail ads, fax paper, manila file folders and pendaflex folders (without metal bars). Brown paper, plastic bags and hard cover books are specifically excluded.

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.

OIL-CONTAMINATED SOIL -- Nonhazardous, Type 27 soil.

PLASTICS -- Packaging materials composed of one or more organic polymeric substances of large molecular weight, such as low-density polyethylene (LDPE), high-density polyethylene (HDPE), polystyrene (PS), polypropylene (PP), polyvinyl/chloride (PVC), polyethylene terephthalate (PET) or other resin types or multiple resin layers, blends or parts.

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

SOLID WASTE -- Includes all garbage and rubbish normally placed at the curb at residential and nonresidential properties in the Borough of Bloomsbury for regular municipal collection. As used in this article, solid waste is deemed to be nonrecyclable material.

STUMPS -- Includes logs, branches and natural wood waste.

TIRES -- From cars and small trucks only; no rims.

USED NEWSPAPERS -- Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. All other paper products of any nature whatsoever are specifically excluded.

WHITE GOODS -- Appliances (CFC's must be recovered where applicable).

Separation of recyclables 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 Borough of Bloomsbury to source-separate designated materials from all other solid waste for recycling.

Program responsibilities and descriptions.

A. Residential establishments.

- (1) Residents shall separate all designated materials from all other solid waste and shall segregate newspaper, cardboard, brown bags, glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, and plastic bottles for curbside collection. Materials shall be deposited at curbside recycling, pickup and dates and hours established by the Borough's governing body.
 - (a) Newspaper: cross-tie with string or twine into bundles not to exceed 50 pounds.
 - (b) Cardboard: flatten, stack and tie with twine or place in a single large cardboard container.
 - (c) Glass: rinse and remove cap and rings; color separate into green, brown and clear; and place in rigid containers for curbside collection.

- (d) Aluminum cans: rinse and place in rigid containers for curbside collection. [NOTE: Aluminum cans, ferrous containers and high-grade aluminum may not be commingled for curbside collection (in rigid containers).]
- (e) Plastic bottles: rinse, remove and discard caps and rings and place in rigid containers for curbside collection.
- (f) Ferrous containers: rinse and place in rigid containers for curbside collection. [NOTE: Aluminum cans, ferrous containers and high-grade aluminum may not be commingled for curbside collection (in rigid containers).]
- (g) High-grade aluminum: rinse and place in rigid containers for curbside collection. [NOTE: Aluminum cans, ferrous containers and high-grade aluminum may not be commingled for curbside collection (in rigid containers).]
- (h) Mixed paper: separate from other paper products; place in rigid recycling container.
- (i) Brown bags: flatten and place in paper bags or tie with twine; may also be mixed with corrugated cardboard.
- (j) Motor oil: bring to any service station that is also a New Jersey State inspection station.
- (k) Vehicular batteries: bring to the site designated by borough rules and regulations. Tonnage receipts must be provided to the borough.
- (l) Household dry cell batteries: bring the batteries to _____ for disposal in a properly marked container.
- (m) Brush: tied in bundles not more than six feet in length, weighing no more than 50 pounds, for curbside pickup during times as may be directed by the Borough's governing body. Small twigs may be placed in a rigid container.

- (o) Tires: telephone Borough Hall for instructions.
- (2) Oil-contaminated soil, stumps and asphalt and asphalt roofing shingles shall not be disposed of at the recycling depot but rather shall be disposed of by the owner in accordance with procedures approved by the New Jersey Department of Environmental Protection. All persons are prohibited from placing oil-contaminated soil, stumps and asphalt roofing shingles at the curb for collection or in solid waste collections. Said prohibition, however, shall not impose an obligation upon the Borough of Bloomsbury to provide for the collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles. The collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles is the responsibility of the resident and/or property owner. Documentation of tonnage recycled pursuant to this subsection shall be submitted in accordance with requirements of the Borough's governing body.
- (3) All of the aforementioned provisions may, from time to time, be modified by the Recycling Coordinator to the extent that procedures are developed for residents to have their recyclables recycled.
- B. Commercial establishments and institutions shall separate designated materials for recycling. Glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, newspaper and plastics included as designated materials may be deposited at the recycling depot. Materials deposited at the recycling depot shall be disposed in the manner directed by signs or attendants at the site. The commercial establishments and institutions shall be responsible for establishing recycling programs for the collection, transportation and marketing of all other designated materials not deposited at the depot. Documentation of tonnage of materials recycled pursuant to such a program shall be submitted in accordance with requirements of

the Borough's governing body.

Documentation.

- A. Each commercial establishment and institution in the borough must provide the Recycling Coordinator with a copy of its recycling plan by February 15 of each year. For purposes of this section, a contractual commitment shall be sufficient.
- B. All commercial establishments and institutions which do not deposit designated materials at the recycling depot and all property owners recycling materials pursuant to requirements of the Borough's governing body must annually submit documentation of tonnage of materials recycled to the Municipal Recycling Coordinator by February 15 of the following year.
- C. The Recycling Coordinator will compile all recycling documentation and report annually to the New Jersey Department of Environmental Protection (NJDEP) and to the County Recycling Coordinator in accordance with NJDEP regulations.
- D. Those commercial establishments and institutions which do not comply with this section will be subject to the penalties set forth herein for violations of any of the provisions of this article.

Unlawful acts.

- A. It shall be a violation of this article for any person to deposit recyclable materials outside of the designated containers or areas at the recycling depot or to otherwise fail to follow the signs and directions posted at the recycling depot.
- B. It shall be a violation of this article for any person to deposit any material at the depot center which is not a designated material accepted at the depot center.

C. 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.

Donation or sale of recyclables to other entities.

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, provided that the recycling individual or company submits documentation to the Municipal Recycling Coordinator. Said person, partnership or corporation may not, however, under any circumstances pick up said recyclables from the curbside in the Borough of Bloomsbury, whether or not said recyclables are placed at curbside on or immediately preceding regular curbside collection.

Violations and penalties.

A. Any person, firm or corporation who or which violates or neglects to comply with any provision of this article or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by a fine not to exceed \$1,000 and not less than \$25 per offense. Enforcement shall commence upon the effective date of this article.

B. Each and every day that said violation continues shall be considered a separate offense.

Investigation of conditions; report.

Upon complaint of any resident or property owner of the Borough of Bloomsbury, or any employee of said borough, or upon his own motion, the Code Enforcement Officer shall make an investigation of the condition complained of and report thereon in writing to the Borough Clerk for the Borough Council.

Notice to correct conditions.

Upon receiving said report, if the land in question about which the complaint was made is found to be in such condition that a violation of one or more of the provisions of this chapter hereof exist on said land, the Borough Clerk shall notify the owner or possessor of said lands complained of, in writing, either personally or by registered or certified mail; return receipt requested, to take such steps as will effectively remove said violation from said land within 10 days after receipt of said notice.

Reinspection and report.

The Building Inspector shall reinspect said lands after the ten-day period shall have expired and shall report in writing to the Borough Clerk for the Borough Council whether or not the violative condition complained of and previously found to exist in violation of this article has been abated or remedied.

Correction of conditions by borough.

In the event that the owner or possessor of said lands shall refuse or neglect to abate or remedy the condition complained of and which constituted a violation of this article, after said 10 days' notice, the Borough Council shall cause the condition complained of to be abated and remedied.

Lien for costs.

Upon the removal of any of the materials prohibited to be stored on lands by this article, by or under the direction of such officer or officers of this borough in cases where the owner or tenant shall have refused or neglected to remove same in the manner and within the time provided

above, such officer or officers shall certify the cost thereof to the Borough Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

Violations and penalties.

Any person convicted of a violation of any of the provisions of this article shall either pay a fine of not exceeding \$1,000 or be imprisoned in the Hunterdon County Correctional Facility, in the State of New Jersey, for a term not exceeding 90 days, or both, at the discretion of the Judge before whom said conviction is had, and each day that a violation is allowed to exist beyond the time fixed in the notice to abate said violation for the removal thereof shall constitute a separate offense. The penalties set forth in this section are separate and apart from any remedy for legal or equitable relief in a court of competent jurisdiction.

Legislative intent.

Notwithstanding any other evidence of legislative intent of the Borough Council herein, it is hereby declared to be the controlling legislative intent that if any provision of this article, or the application hereof to any person or circumstances, is held invalid, the remainder of this article, and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Repealer. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect following final passage and publication in accordance with law.

Mark R. Peck, Mayor

Lisa A. Burd,
Acting Borough Clerk

CERTIFICATION

I, Lisa A. Burd, Acting Borough Clerk, do hereby certify that the foregoing is a true and accurate copy of an ordinance adopted by the Common Council of the Borough of Bloomsbury at a meeting held on March 28, 2006.

First Reading: February 28, 2006

Publication: March 16, 2006

Public Hearing: March 28, 2006

Adoption: March 28, 2006

Publication of Adoption: April 6, 2006

