

CITY COUNCIL

The City of Orange Township, New Jersey

DATE _____

NUMBER 49-2022

TITLE:

AMENDED

AN ORDINANCE TO AMEND CHAPTER 107 (GARBAGE, RUBBISH AND REFUSE) TO THE CITY OF ORANGE TOWNSHIP MUNICIPAL CODE

WHEREAS, it is the policy of the City of Orange Township to regulate the collection and placement of all refuse in a manner consistent with the interests of the citizens of the City of Orange Township.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of Orange Township that Chapter 107 of the Code of the City of Orange Township be amended to include the following:

Chapter 107

GARBAGE, RUBBISH AND REFUSE 107:1

§ 107-1 GARBAGE, RUBBISH AND REFUSE § 107-3

ARTICLE I

Storage, Collection and Disposal

[Adopted 11-5-69 by Ord. No. 129-69]

§ 107-1. Refuse classifications Collection.

Every owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house, or portion thereof in the city wherein ashes, garbage, paper and other refuse material accumulates is hereby required to collect *said material in accordance with the provisions in this chapter and separate the refuse material accumulating in any such dwelling house or building or portion thereof occupied by such persons, respectively, into three (3) classes, as follows:*

~~A. Ashes and noncombustible rubbish material shall constitute one (1) separate class.~~

~~B. The refuse of animal or vegetable matter which has been used as food for man or beast and all refuse of animal or vegetable matter which was intended to be used, including condemned food, shall constitute another distinct class of refuse matter to be called "garbage."~~

~~C. The waste or other paper and dry combustible rubbish material accumulating in any such dwelling house, building or portion thereof, or premises or portions thereof, which the occupant thereof desires removed from the premises shall constitute a third distinct class of refuse matter.~~

§ 107-2. Receptacle specifications.

~~A. Every owner, tenant, housekeeper and other person occupying any dwelling house or other building or portion thereof in the city in which ashes and noncombustible rubbish material, garbage, paper and dry combustible rubbish material accumulate and are to be removed~~

~~therefrom by the city contractor or employees shall properly provide for such removal by using two (2) receptacles for the separation of such refuse: one (1) for ashes and noncombustible rubbish material, and one (1) for the garbage, and each such receptacle shall be used only for the accumulations of the class of refuse for which it was primarily intended.~~

A. ~~The filled Disposal receptacles for 1 to 4 family dwelling units shall be (i) of such weight as can be easily handled by one (1) person; All garbage receptacles should be (ii) 55 gallon receptacles; (iii) watertight vessels and shall have a separate cover, close-fitting when in place; The receptacles shall be (iv) a metallic or plastic wooden vessel; (v) constructed as to prevent spillage or leakage of its contents; (vi) provided in sufficient number, size, and capacity to handle the waste generated by 1-4 family dwelling units, and to prevent overflow.~~

B. Garbage receptacles required pursuant to 107-8.1, for commercial buildings (including residential building with five or more dwelling units) shall be *required to dispose of all garbage and refuse materials using a dumpster, with wheels, and a lid that covers the top of dumpster and prevents spillage, overflow or leakage therefrom. Dumpsters shall be sufficient in number, size, and capacity to handle the waste generated by commercial building (including residential buildings with five or more dwelling units). All dumpsters are to be in good working order, with no holes, leaks, or damage thereto and shall be kept in clean condition at all times.*

C. Disposal of garbage solely in plastic bags is strictly prohibited.

§ 107-3. Placement of receptacles for collection; time of placement.

A. ~~Paper and dry rubbish material shall be secured in packages to permit easy handling and to prevent the contents of the same from being scattered. Disposal receptacles for one to four family dwelling units two (2) classes of receptacles, one (1) for garbage and one (1) for ashes and noncombustible rubbish material and waste paper and dry combustible rubbish material, shall be placed by owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house, at a point easily accessible between the sidewalk and the curb.~~

B. Every owner, tenant, housekeeper, management company, operator, corporation or other person or entity shall place receptacles ready for collection by the contractor for the removal of garbage *and other refuse material and refuse*, no later than 6-5:00 a.m. on the day scheduled for removal, nor earlier than 6 7:00 p.m. of the evening before.

C. ~~No garbage or refuse material shall be placed on Saturday for Monday morning pick up.~~

D. ~~Each owner, tenant, housekeeper or other person shall remove empty receptacles by 7:00 p.m. of the scheduled day for removal.~~

E. *Violators of this section shall be liable for fines up to two thousand dollars based on property type. Residential properties are properties that have one to two family homes. Commercial properties are any properties that have three or more family dwellings and commercial space. Residential properties shall receive a warning for their first offense. For a second offense, they shall be fined two hundred and fifty dollars (\$250). For a third offense, they shall be fined five hundred dollars (\$500). For a fourth offense, they shall be fined one thousand dollars (\$1000.) Commercial properties will be fined a thousand dollars for their first offense. A second offense fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed*

six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued.

[Added 10-21-2008 by Ord. No. 23-2008]

§ 107-3.1. Hours permitted. [Added 11-21-2006 by Ord. No. 33-2006]

A. No *public or private* garbage hauler or any garbage collection service shall pick up *refuse material* from *refuse receptacles* before 6 5:00 a.m. on any day they are so scheduled to pick up same.

B. *All private collection of refuse material on main street must be finished 9:30am on any day they are so schedule to pick up same.*

C. *Violators of this section shall be liable for fines up to two thousand dollars based on property type. Residential properties are properties that have one to two family homes. Commercial properties are any properties that have three or more family dwellings and commercial space. Residential properties shall receive a warning for their first offense. For a second offense, they shall be fined two hundred and fifty dollars (\$250). For a third offense, they shall be fined five hundred dollars (\$500). For a fourth offense, they shall be fined one thousand dollars (\$1000.) Commercial properties will be fined a thousand dollars for their first offense. A second offense fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued.*

[Amended 2-6-2007 by Ord. No. 1-2007]

§ 107-4. Adjacent streets and sidewalks to be kept clean. [Amended 10-21-2008 by Ord. No. 23-2008]

A. Every owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house, commercial building or other building or portion thereof in the city of any and all lots and lands free from *garbage (including garbage that may have been displaced or dropped when emptying garbage receptacles)*, filth, slops, dirty water, rubbish or any other thing dangerous to health.

B. Violators of this section shall be liable to a fine up to one thousand dollars (\$1,000.) or imprisonment for a period not to exceed ninety (90) days for a first offense. The one thousand dollar (\$1,000.) fine may be assessed on a continuing per day basis for each day the violation continued. *For a second offense the fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued.*

§ 107-5. Notice to clean premises; abatement of nuisances.

A. Every owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house, commercial building or other building or portion thereof in the city, upon notice from *code enforcement officer, garbage inspector, Health Officer, police officer, or such other city official as may be designated for enforcement purposes* , shall forthwith remove from such lot, ground, building, house or

stable any rubbish, garbage, offal or any offensive matter or thing; and any person, upon notice from the from *code enforcement officer or garbage inspector enforcement officer, garbage inspector, health officer, police officer*, shall, within 24 hours of said notice, abate any nuisance existing on any premises of which he may be the lessee, owner, agent, tenant, manager, operator or occupant.

B. Violators of this section shall be liable for fines up to two thousand dollars based on property type. Residential properties are properties that have one to two family homes. Commercial properties are any properties that have three or more family dwellings and commercial space. Residential properties shall receive a warning for their first offense. For a second offense, they shall be fined two hundred and fifty dollars (\$250). For a third offense, they shall be fined five hundred dollars (\$500). For a fourth offense, they shall be fined one thousand dollars (\$1000.) Commercial properties will be fined a thousand dollars for their first offense. A second offense fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued.

§ 107-6. Dumping restricted.

A. No owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house shall dump or deposit or permit to be dumped or deposited anywhere within the city, except at such a place as may be authorized *in writing* by the owner and ~~Health and Welfare Department~~, by issuance of a written permit from the department of public works. Any garbage, ashes, miscellaneous waste, manure, dirt of any type, whether it is clean fill or otherwise, mud, ashes, gravel, sawdust, shavings, hay, straw, offal, vegetable matter, trees, paper or any other substance or material that may contain disease germs or breed disease germs or that may be subject to being scattered by the wind or decompose or that may be decomposed and thereby create a filthy, noxious or unhealthful condition. Such dumping without a permit is hereby declared to be a nuisance.

~~B. It shall be unlawful to dump or deposit or permit the dumping or depositing of any waste matter as described in this section upon private property within the city unless the written consent of the owner of such property or his authorized agent shall first be obtained and filed with the Health and Welfare Department.~~

Violators of this section shall be liable for fines up to two thousand dollars based on property type. Residential properties are properties that have one to two family homes. Commercial properties are any properties that have three or more family dwellings and commercial space. Residential properties shall receive a warning for their first offense. For a second offense, they shall be fined two hundred and fifty dollars (\$250). For a third offense, they shall be fined five hundred dollars (\$500). For a fourth offense, they shall be fined one thousand dollars (\$1000.) Commercial properties will be fined a thousand dollars for their first offense. A second offense fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued. [Added 10-21-2008 by Ord. No. 23-2008]

§ 107-7. Refuse-carrying vehicles.

All refuse-carrying vehicles and boxes, tubs and receptacles thereon in which any waste substance may be or is carried shall be strong and tight, and the sides shall be so high above the load or contents that no part of such contents or load shall fall, leak or spill therefrom.

§ 107-8. Scavenging restricted. [Amended 10-21-08 by Ord. No. 23-2008]

A. No owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house, *including a private scavenger collector*, shall pick over or overhaul any refuse material placed in a receptacle of any type on any sidewalk intended for collection by the duly designated garbage collectors of the city.

B. *Violators of this section shall be liable for fines up to two thousand dollars based on property type. Residential properties are properties that have one to two family homes. Commercial properties are any properties that have three or more family dwellings and commercial space. Residential properties shall receive a warning for their first offense. For a second offense, they shall be fined two hundred and fifty dollars (\$250). For a third offense, they shall be fined five hundred dollars (\$500). For a fourth offense, they shall be fined one thousand dollars (\$1000.) Commercial properties will be fined a thousand dollars for their first offense. A second offense fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued.*

§ 107-8.1. Collection of solid waste; hazardous refuse; definitions. [Added 4-4-1989 by Ord. No. 5-89]

A. The city, by its designated agents and employees, will collect and remove at no direct cost to the residents or occupants of any residential source in the city, as defined in Subsection B of this section, only the household waste matter as classified in Subsection C of this section, when such waste matter is placed into proper receptacles or bundles and collected in the quantity and manner prescribed herein.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL SOURCE — Wholesale, retail or service establishments, including but not limited to restaurants, markets, retail and wholesale outlets, theaters, hotels, warehouses, schools, hospitals, houses of worship, institutions, research facilities, offices and gas stations, where such establishments place at the curb for collection at any time an amount of waste in excess of four (4) suitable receptacles. If such excess amount of waste is present, the entire amount of waste placed at the curb shall be considered a "commercial source." Any amount of waste that is produced by any of the following sources shall be considered a "commercial source:" all county, state and federal buildings; all non-municipal governmental buildings; any residential premises that contain three (3) dwelling units or more; and any establishment that holds an alcohol consumption license.

RESIDENTIAL SOURCES — Households *and 1-2 family dwelling units* not defined as a commercial source above.

HAZARDOUS REFUSE - any waste which poses a present or potential threat to human health, living organisms or the environment. It shall include waste material that is toxic,

corrosive, irritating or sensitizing, radioactive, biologically infectious, explosive or flammable.

C. Garbage will only be collected by the city, provided the materials are held, stored, and placed in the *manner set forth in this article*. ~~such solid waste as may be classified as garbage or rubbish will be collected by the city, provided that these materials are prepared, held and stored in the manner required herein. "Garbage" means the meat and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods. "Garbage" shall be considered to originate primarily in kitchens. "Rubbish" means no putrescible solid waste consisting of both combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding and crockery, and similar materials.~~

D. Hazardous refuse shall not be placed in receptacles for regular collection but shall be disposed of in accordance with laws and regulations of the State of New Jersey at the expense of the owner or possessor thereof.

§ 107-9. Enforcement; violations and penalties.

A. The Police Department, in conjunction with the Department of Public Works and the Health Department (*Police Officer, Garbage Inspector, Code Enforcement Officer, Health Officer*) shall strictly enforce this Article, and any *refuse collector*, collector or person or corporation contracting with this city for removal of refuse material, or any resident of the city, may make complaint of the violation of any provision of this Article to the proper authorities.

B. *Any person, owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house, or portion thereof in the city who violates any of the provisions of this Article shall, upon a first conviction thereof, be liable to a fine up to one thousand dollars (\$1,000.) or imprisonment for a period not to exceed ninety (90) days. Two thousand five hundred five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months for any subsequent offenses. The fines in this section may be assessed on a continuing per day basis for each day the violation continues.*

[Added 5-18-82 by Ord. No. 16-82]

ARTICLE II

Refuse Roll-Off Containers

[Adopted 7-3-79 as Ord. No. 33-79]

§ 107-10. Permission required for use.

Anyone contemplating placing a roll-off container on a city street shall first obtain written permission from the Orange Police Department and the Orange Fire Department prior to application to the Public Works Department.

§ 107-11. Lights and barricades.

The roll-off container shall be well lighted with flasher lights. Barricades will be used if necessary.

§ 107-12. Owner liable for pavement damage.

The owner of the roll-off container shall be liable for any pavement damage during its placement or removal.

§ 107-13. Effect of issuance.

Issuance of this permit authorizes a contractor only to drop an empty container or pick up a full container, ~~but not to transfer such containers at an approved location.~~

§ 107-14. Fee for permit; duration. [Amended 5-18-82 by Ord. No. 16-82]

The fee for this permit shall be as provided in Chapter 88, Fees, nonreturnable, and the permit shall be valid for a two-week period, beginning from the date of application approval.

§ 107-15. Indemnification of city.

If the owner of the roll-off or lessee of a roll-off container shall assert any claim against the City of Orange on account of any damage or injuries alleged to have been sustained due to the approved placement of such a container, the owner of the roll-off or lessee shall indemnify and save harmless the City of Orange against any such claim.

§ 107-16. Violations and penalties. [Amended 5-18-82 by Ord. No. 16-82]

Any person, owner, tenant, housekeeper, management company, operator, contractor, corporation or other person or entity occupying or operating any dwelling house, or portion thereof, or performing any work on a residential or commercial building in the city, who violates any of the provisions of this Article shall, upon conviction thereof, be liable to a fine up to one thousand dollars (\$1,000.) or imprisonment for a period not to exceed ninety (90) days for a first offense. Two thousand five hundred five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months for any subsequent offenses. The fines in this section may be assessed on a continuing per day basis for each day the violation continues.

107:7

§ 107-16.1 GARBAGE, RUBBISH AND REFUSE § 107-17

ARTICLE III

Recycling

[Adopted 10-17-1989 as Ord. No. 34-89; amended 6-20-2006 by Ord. No. 15-2006; amended in its entirety 10-5-2010 by Ord. No. 27-2010; amended 3-15-2016 by Ord. No. 10-2016]

§ 107-16.1. Program established. [Added 3-15-2016 by Ord. No. 10-2016]

There is hereby established a program for the mandatory source separation from the municipal solid waste stream by the single-family and multifamily residential, commercial, office park, industrial, institutional and governmental solid waste generators of the Township at the point of generation of the items in the chart below and such other recyclable materials to be added or deleted as designated recyclables by the County of Essex pursuant to as duly adopted amendment to the County Solid Waste Management Plan approved by the New Jersey Department of Environmental Protection.

RESIDENTIAL	COMMERCIAL	INSTITUTIONAL
Newspapers	Newspapers	Newspapers
Mixed paper (i.e. Junk mail, office paper, all marketable grades)	Glass food and beverage containers	Glass food and beverage containers
Old corrugated containers	Aluminum beverage containers	Aluminum beverage containers
Glass food and beverage containers	Leaves	Leaves
Aluminum beverage containers	Old corrugated containers	Old corrugated containers
Leaves	Office paper (all marketable grades)	Office paper (all marketable grades)
Used motor oil	Used motor oil	Used motor oil
White goods	White goods	White goods

Lead acid batteries (vehicle batteries)	Lead acid batteries (vehicle batteries)	Lead acid batteries (vehicle batteries)
Plastics (#1 and #2)	Plastics (#1 and #2)	Plastics (#1 and #2)
Steel/Tin Containers	Steel/Tin Containers	Steel/Tin Containers
Ferrous Scrap	Ferrous Scrap	Ferrous Scrap

§ 107-17. Definitions for the purpose of article III. [Amended 3-15-2016 by Ord. No. 10-2016]

ALUMINUM BEVERAGE CONTAINERS — Includes all containers normally used in the consumption of alcoholic and nonalcoholic beverages both in the home and in retail establishments dispensing the same for on or off premises consumption, the same being made entirely of aluminum.

BIMETAL (TIN/STEEL) CANS — Aluminum and tin or tin-plated steel food and beverage containers, including those for fruits, vegetables, juices and pet food.

COMMERCIAL SOURCE — Wholesale, retail, service or manufacturing establishments, including but not limited to restaurants, markets, offices, retail and wholesale outlets, industrial establishments and theaters.

(OLD) CORRUGATED CONTAINERS — All corrugated cardboard of the type commonly used for boxes, shipping containers and packing material having exterior cardboard plies separated by air spaces created by one or more fabricated cardboard plies.

FERROUS SCRAP — Is scrap metal that is magnetic and rusts such as structural steel or cast iron components.

GLASS FOOD AND BEVERAGE CONTAINERS — All containers and objects commonly used in residential and nonresidential premises, such as bottles, jars, glasses, jugs and all other vessels made entirely and exclusively of glass.

INSTITUTIONAL SOURCES — Churches, synagogues, colleges, schools, municipal or municipality supported bodies, not-for-profit organizations and the like.

LEAD ACID BATTERIES (VEHICLE BATTERIES) — Are the types that contain lead and lead oxide with the sulfuric acid electrolyte produces a voltage.

LEAVES — Foliage material naturally formed from trees and bushes that are suitable for composting and mulching.

MIXED OFFICE PAPER — A combination of paper products found in an office environment, typically, it means high-grade papers such as copier paper, computer printout, and stationery. It is also including magazines, catalogs, brochures, white envelopes, advertising flyers and most mail.

MULTIFAMILY SOURCE — Any building or structure, or complex of buildings in which three (3) or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a) and shall include hotels, motels, or other guest houses serving transient or seasonal guests, as those terms are defined under subsection (j) or section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1 et seq.).

NEWSPAPER — 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 matter of public interest.

PLASTIC CONTAINERS — Only those containers, such as beverage containers and laundry product containers, that have the Resin identification code 01 (PET) or 02 (HDEP).

RESIDENTIAL SOURCE — Homes, condominiums, townhouses and other dwelling units not defined as multi-family, commercial or institutional sources.

USED MOTOR OIL — Any waste crank case oil from periodic maintenance of internal combustion engines.

WHITE GOODS — Appliances such as refrigerators, air conditioners, stoves, washers, dryers, steel or cast-iron plumbing fixtures, dishwashers and water heaters.

107:10

§ 107-18 GARBAGE, RUBBISH AND REFUSE § 107-19

§ 107-18. 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 City of Orange Township, 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 premises and 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 City of Orange Township, Department of Public Works.

B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality 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 Article, 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 Municipal Recycling Coordinator of the total number of tons collected and recycled for each designated material.

§ 107-19. Separation procedures.

A. Commingled recyclable materials, corrugated cardboard, ferrous scrap, lead acid batteries, mixed paper, newspaper, leaves, used oil and white goods shall be kept separate from and not be mixed with regular refuse collected separately.

B. Between October 15 through December 15 of each year leaves, which are gathered, must be placed for disposal in biodegradable paper bags with a maximum weight of fifty (50) pounds, which can be composted together with leaves so as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.

C. Corrugated cardboard, mixed paper, and newspapers shall be tied or otherwise secured in bundles not exceeding thirty (30) pounds per bundle in weight or greater than twelve (12) inches per bundle in height.

D. All glass objects shall be cleaned of food or other material.

E. Aluminum or steel/tin cans shall be cleaned and contain no liquid or solid material.

F. Commingled recyclable materials shall be placed at the curb in a reusable container with drain holes. The weight of an individual filled container shall not exceed thirty (30) pounds.

G. Lead acid batteries shall be brought and recycled at the semi-annual Essex County Household Hazardous Waste collection events, typically held the first Saturday of May and October. Further information is available through the Essex County Utilities Authority website at <http://www.ecuanj.com>.

H. Used oil shall be brought and recycled at the nearest state licensed re-inspection station, oil retailer or retail service station.

I. White goods shall be recycled at curbside by the City of Orange disposal contractor once a month.

§ 107-20. Disposal.

A. The Director of Public Works/Municipal Engineer is hereby authorized and directed to negotiate and to enter into contracts to dispose of all used recyclables collected by the city as herein described or to place the same out to bid if required by Local Public Contracts Law. The city may utilize its own personnel to collect recyclables or may contract out the cost of collection.

B. Anything wherein to the contrary notwithstanding any person may donate or sell recyclables to any person whether for profit or not for profit. It shall be further permissible under the terms of this section for any person to obtain a permit from the City of Orange

Township to collect recyclables within the city. Any person obtaining such a permit shall not pick up recyclables from the curb without specific permission to do so.

C. From the time of placement at the curb of recyclables for collection by the City of Orange Township in accordance with the terms thereof, such recyclables shall be and become the property of the City of Orange Township or its authorized agents or designated entities.

D. It shall be a violation of this Article for any person unauthorized by the city to collect or pick up or cause to be picked up or collected such recyclables. Any and each collection is a violation hereof, from one (1) or more residences, and shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 107-21. Collection of recyclable materials.

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

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. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above any time after 10:00 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. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the City of Orange Township.

§ 107-22. 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 City of Orange Township, Department of Public Works. 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 every six (6) months during their occupancy. Proof of tenant notification shall be provided to the Municipal Recycling Coordinator if requested.

§ 107-22.1. 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 their designee, unless the municipality 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. Prior to March 1 of each year, occupants of all Commercial and Institutional establishments, multifamily housing owners or their agents shall report, on forms provided by the municipality, to the Municipal Recycling Coordinator, the tonnage of recyclables collected and removed from the municipality during the previous year. (Amended 3-15-2016 by Ord. No. 10-2016)

D. All food service establishments, as defined in the Health Code, 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.

§ 107-22.2. New developments of multifamily residential units or commercial, institutional, or industrial properties (Pursuant to N.J.S.A. 13:1E-99.13A and 99.16c).

§ 107-22.2 ORANGE TOWNSHIP CODE § 107-22.5

A. Any application to the Planning Board of the City of Orange Township for subdivision or site plan approval for the construction of multifamily dwellings of three (3) or more units, single-family developments of fifty (50) or more units or any commercial, institutional, or industrial development for the utilization of one thousand (1,000) square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

- (1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
- (2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.

B. Prior to the issuance of a certificate of occupancy by the City of Orange Township, 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 city does not otherwise provide this service.

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

§ 107-22.3. 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 municipal 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. One 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 City of Orange Township, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§ 107-22.4. Enforcement.

The Code Enforcement Official, the Department of Health, the Municipal Recycling Coordinator, the Housing Officer and the Essex 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.

107:14

§ 107-22.5 GARBAGE, RUBBISH AND REFUSE § 107-22.6

§ 107-22.5. Violations and penalties.

Any owner, tenant, housekeeper, management company, operator, corporation or other person or entity occupying or operating any dwelling house, or portion thereof in the city who violates this section shall be liable to a fine up to one thousand dollars (\$1,000.) or imprisonment for a period not to exceed ninety (90) days for a first offense. For a second offense the fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. 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 shall be used for the expenses of the City of Orange Township Recycling Program.

§ 107-22.6. Severability, effective date.

In the event that it is determined, by a court of competent jurisdiction, that any provision or section of this Article is unconstitutional, all other sections and provisions shall remain in effect. This Article shall take effect immediately, unless otherwise provided by resolution of the City of Orange Township Municipal Council.

§ 107-23 GARBAGE, RUBBISH AND REFUSE § 107-24

ARTICLE IV

Construction Materials

[Adopted 4-1-2003 by Ord. No. 7-2003]

§ 107-23. Removal of construction and demolition materials.

Any owner, tenant, housekeeper, management company, operator, corporation or other person or entity or contractor occupying or operating or performing work at any dwelling house or commercial property, or portion thereof, in the city, shall dispose for collection any construction or demolition materials from any structure in the city. All such disposal must utilize a roll off container pursuant to section 107-10, and shall be contracted for removal on a private basis. No construction or demolition material shall be disposed of at the curb or sidewalk. No construction or demolition material shall be piled loosely outside of a container in the City.

§ 107-24. Consent of owner required for removal.

No person shall engage in the act of collecting or removing siding, drainage gutters, copper materials, aluminum, piping or any other refuse from a residential or commercial building whether unoccupied or occupied without the expressed *written* consent of the owner *and a permit obtained from the Department of Public Works.*

§ 107-25. Violations and penalties.

Violators of this section shall be liable for fines up to two thousand dollars based on property type. Residential properties are properties that have one to two family homes. Commercial properties are any properties that have three or more family dwellings and commercial space. Residential properties shall receive a warning for their first offense. For a second offense, they shall be fined two hundred and fifty dollars (\$250). For a third offense, they shall be fined five hundred dollars (\$500). For a fourth offense, they shall be fined one thousand dollars (\$1000.) Commercial properties will be fined a thousand dollars for their first offense. A second offense fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued.

~~*Any violation of the above provisions shall subject the offender to a fine of not less than two hundred thousand dollars (\$2,000.) nor more than five hundred dollars (\$500.) for each day violation continues or a term of imprisonment not to exceed thirty six (6) days, months.*~~

ARTICLE V

Bulk Garbage

§ 107-26. Bulk Waste Definition

Bulk waste should include but not be limited to: brush, carpet, furniture, mattresses wrapped in plastic, household contents, pallets, and other larger items which are not easily containerized, and which do not exceed two hundred pounds (200 lbs) in weight.

§ 107-27. Items Exempt from Bulk Waste Collection

Bulk waste does not include appliances, white metal, electronics, construction or demolition materials, or automotive parts.

§ 107-28: Placement of Bulk Garbage for collection; time of placement.

A. Bulk waste will be collected once a week on designated days. No bulk wastes will be placed outside for disposal before 7:00pm night before pick up. All bulk must be separated from any other disposable material such as garbage or recycling. All bulk garbage must be placed between sidewalk and curb. If no sidewalk is present, bulk garbage must be placed on the curb.

B. The number of bulk waste of items to be disposed of in one pick up shall be limited to five items.

C. Violators of this section shall be liable for fines up to two thousand dollars based on property type. Residential properties are properties that have one to two family homes. Commercial properties are any properties that have three or more family dwellings and commercial space. Residential properties shall receive a warning for their first offense. For a second offense, they shall be fined two hundred and fifty dollars (\$250). For a third offense, they shall be fined five hundred dollars (\$500). For a fourth offense, they shall be fined one thousand dollars (\$1000.) Commercial properties will be fined a thousand dollars for their first offense. A second offense fine shall be two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six (6) months. The two thousand five hundred dollar (\$2,500.) fine may be assessed on a continuing per day basis for each of the violations continued.

BE IT FURTHER ORDAINED, that any Ordinances of the Township that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that if any part of this Ordinance shall be deemed invalid, such part shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after its final passage and publication in accordance with the law.

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved:

Dwayne D. Warren, Esq., Mayor

Dated: _____

ORDINANCE NO. 49-2022

REGULAR MEETING – September 20, 2022

INTRODUCTION-FIRST READING

MOTION TO ADOPT AS AMENDED: Wooten

SECOND: Ross

YEAS: Coley, Hilbert, Montague, III, Ross, Summers-Johnson, Wooten & Council President Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: None

SECOND READING/PUBLIC HEARING – October 18, 2022

MOTION TO POSTPONE: Ross

SECOND: Montague, III

YEAS: Coley, Hilbert, Montague, III, Ross, Summers-Johnson & Council President Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: Wooten
