

ORDINANCE NO. 2024-01

AN ORDINANCE TO AMEND CHAPTER 243 “GARBAGE, RUBBISH AND REFUSE” AND CHAPTER 155 “FEES” OF THE CODE OF THE BOROUGH OF NETCONG.

BE IT ORDAINED, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, “Garbage Collection”, Section 243-1, “Definitions” is hereby amended to read, in its entirety, as follows:

BULKY WASTE

Includes television sets, mattresses, large furniture, large trash, and similar materials not required to be recycled pursuant to Article II of this chapter.

GARBAGE RECEPTACLE

A watertight container, can, or barrel containing waste for disposal, made of metal or other durable material with a tight-fitting cover, constructed to prevent the spillage of its contents. Garbage receptacles used for collection services from the Borough shall be limited to “One Arm Bandit” compatible carts obtained from and assigned by the Borough according to serial number.

ONE ARM BANDIT

The “One-Armed Bandit” is an automated refuse collection truck, utilizing specifically designed garbage receptacles to safely collect curbside trash. These vehicles are equipped with a hydraulic arm that extends out to grab and retrieve the garbage receptacle, and then it lifts & dumps it into the truck and returns the empty garbage receptacle to the original location.

SOLID WASTE

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

SECTION 2. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, “Garbage Collection”, Section 243-3, “Garbage Receptacle” is hereby amended to read, in its entirety, as follows:

A. Duty to provide.

(1) The owner, agent, lessee, tenant or occupant of every dwelling house, store, restaurant, shop, commercial establishment or other building in the Borough where solid waste shall accumulate must ensure proper storage of garbage, trash, refuse and other solid waste in proper garbage receptacles as defined in this chapter with tight-fitting covers or lids and in such a manner as to prevent the escape of foul odors and access thereto by flies and other vermin. When said receptacles are stored outside, they shall be in the rear yard or side yard only and no less than five feet from any property line. Residents and/or businesses finding these requirements governing outside storage a hardship may appeal, in writing, to the Borough Administrator for relief.

(2) On properties containing more than a single unit, the provision of receptacles in compliance with this Chapter for each unit shall be the responsibility of the property owner.

B. Number of receptacles. Each dwelling house or other building shall have at least one garbage receptacle and as many more garbage receptacles as are necessary to completely contain all solid

waste generated by, or accumulated by, each family unit residing on the premises and by each store, restaurant, shop, commercial establishment or other building, during the period from one collection day to the next ensuing collection day.

C. Condition of receptacles.

(1) All garbage receptacles shall be cleaned and sanitized as needed after collection. Plastic bags containing food by-products and other solid waste must be stored in a proper garbage receptacle as defined by this chapter.

(2) The use of baskets, cardboard boxes and paper bags, metal or non-issued plastic cans, or other objects as garbage receptacles for solid waste is not permitted.

(3) Garbage receptacles by the Borough that endure incidental damage may be able to be repaired. It shall be the duty of the Property Owner to notify the Borough Public Works Department of any damage to their property's issued can and request repair.

(4) Garbage receptacles that are badly broken or otherwise fail to meet the requirements of this article may be classified as solid waste and may be collected as such by the Borough or the Borough's designated agent and/or contractor.

SECTION 3. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, "Garbage Collection", Section 243-5, "Placement and Removal of Garbage Receptacles", Subsection A, "Placement" is hereby amended to read as follows:

A. Placement. 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 within five feet of the nearest curb line of a public street in front of their premises or at such location as designated by the Borough for collection. Garbage Receptacles shall be placed with the wheels facing away from the street and with at least four feet of clearance on all sides of the receptacles. Garbage receptacles shall not be placed out for collection prior to 6:00 p.m. on the day preceding said collection and shall be removed by 8:00 p.m. on the collection day. Garbage receptacles not placed at the curb by 5:30 a.m. on the day of collection may not be collected. 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.

SECTION 4. Chapter 243 of the Revised General Ordinances of the Borough of Netcong, Article I, "Garbage Collection", Section 243-5, "Placement and Removal of Garbage Receptacles", Subsection B, "Limitations" is hereby amended to read as follows:

B. Limitations. Only such solid waste as defined in this article shall be collected by the Borough, provided that these materials are prepared, held, and stored in the manner as required by this article. The Borough will collect up to two approved garbage receptacles per week per dwelling unit, store, shop, restaurant, commercial establishment, or other building. Commercial establishments which generate solid waste in excess of two approved garbage receptacles per week shall be required to utilize the services of a private collector. Garbage receptacles, on days other than collection days, shall be stored or kept in such a place so as not to become a nuisance to the occupants of any dwelling, and at no time shall they be kept closer to the street than the building setback line. All garbage receptacles, except on collection days, shall be screened from public view.

SECTION 5. Chapter 155 of the Revised General Ordinances of the Borough of Netcong, Section 155-4, "Solid Waste and Recycling Fees" is hereby amended by the addition of new subsection D which shall read as follows:

D. The fee for garbage receptacles shall be \$75.00 for a 96 gallon can and \$60.00 for a 60 gallon can.

SECTION 6. This Ordinance may be renumbered for codification purposes.

SECTION 7. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION 8. In the event that any section, part, or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 9. This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 11th day of January 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 8th date of February 2024 at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**BOROUGH OF NETCONG
COUNTY OF MORRIS
STATE OF NEW JERSEY**

ATTEST:

Cynthia Eckert, Borough Clerk

By: _____
Elmer Still, Mayor