

TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 24-12



ADOPTED: JUNE 24, 2024

**AN ORDINANCE AMENDING CHAPTER 114 GARBAGE, REFUSE AND RECYCLABLES OF THE TOWNSHIP CODE OF THE TOWNSHIP OF EAST BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**WHEREAS**, the Township of East Brunswick provides garbage, refuse and recyclable collection services to township residents; and

**WHEREAS**, the Township of East Brunswick’s garbage, refuse and recyclable collection services have recently changed; and

**WHEREAS**, Chapter 114 of the Revised General Ordinances of the Township of East Brunswick require amendment to reflect the changes to garbage, refuse and recyclable collection services; and

**NOW, THEREFORE BE IT ORDAINED** that Chapter 114, Garbage, Refuse and Recyclables of the Revised General Ordinances of the Township of East Brunswick is hereby amended with additions in italics and deletions in brackets as follows:

**CHAPTER 114 GARBAGE, REFUSE AND RECYCLABLES**

**Section 114-1 Definitions and word usage**

\* \* \*

***AUTOMATED COLLECTION VEHICLE***

*A vehicle which can be operated by a single person which has a mechanical, automated arm to collect material and returned to the collection site.*

\* \* \*

***BULK[Y] WASTE***

*Large items [such as concrete, tree stumps, heavy wood items, iron and steel] that must be scheduled for pickup.*

\* \* \*

***CART***

*A Township owned and issued mobile container required for automated collection vehicles to collect solid waste and/ recycling.*

\* \* \*

**COLLECTION SITE**

*Location of Cart on the collection day.*

\* \* \*

**CONTAINER**

[See also Receptacle and please note terms are interchangeable.] *A Container is only for Manual Collection.*

\* \* \*

**CONVENIENCE CENTER**

*A site where one or more containers are located for temporary storage of solid waste and/or recyclable materials brought to the site by persons transporting only their own household solid waste and/or recyclable materials in passenger automobiles bearing general registration plates.*

\* \* \*

**[DEAD ANIMALS]**

[Animals or portions thereof that have expired from any cause, except deer which shall be removed by Township personnel.]

\* \* \*

**MANUAL COLLECTION**

*All locations that cannot be serviced by an Automated Collection Vehicle shall be required to have a Container to receive collection.*

\* \* \*

**PRODUCER**

An occupant of a residential unit[, public school buildings/facilities] and/or municipal office/activity that generates solid waste and recyclables.

**[PUBLIC WORKS SERVICE DISTRICT (PWSD)]**

[Designated areas wherein the Department of Public Works personnel perform scheduled services.]

\* \* \*

**[RECEPTACLE]**

A container constructed of such material and in such a manner as to hold solid waste and trash and other such items without breaking or collapsing. "Receptacles" shall have handles and covers so that contents therein are not exposed to the weather, animals, and vermin. A disposable plastic bag shall constitute a "receptacle" if it is of sufficient strength to hold its contents without breaking when collected. The "receptacle" shall be of such a design and weight as to be able to be conveniently handled by one (1) person. No "container" shall exceed a weight of more than fifty (50) pounds when loaded. Commercial garbage receptacles and 55 gallon drums are not acceptable as containers. Receptacles which, in the opinion of the Department, are badly broken or fail to meet the requirements of this chapter may be classified as "garbage".]

## RECYCLABLE MATERIALS

All waste materials which have the ability to be returned, through processing, to their former or alternate use. Following are examples, but not necessarily limited to these:

\* \* \*

### I. **BULK[Y] ITEMS/WASTE**

Large items such as concrete, tree stumps, heavy wood items, iron and steel. Includes, but is not limited to furniture, bedding, mattresses, and so on, which may be constructed of several types and mix of materials which may be rebuilt, reconstructed or segregated into reusable and/or reclaimable materials.

\* \* \*

### Q. **[WAXED PAPER] *Reserved.***

[Includes all milk and juice cartons, also known as aseptic (bacteria-free/sterile/nontoxic/sunlight-free) packaging. These types of packages are used for beverages, milk, dairy, and light-sensitive food products or additives.]

\* \* \*

## REGULATIONS

Includes such rules, schedules or times promulgated by the Director of [Parks and] Public Works and adopted by the Township Council to carry out the intent of this chapter.

## RESIDENTIAL UNIT

A dwelling within the corporate limits of the Township of East Brunswick occupied by a person or group of persons. A "residential unit" shall be deemed occupied when either water or domestic light and power services are being supplied thereto. Note: "Residential unit" definition shall also include all [public schools,] municipal offices, activities and properties, [and official/quasi-official municipal service activities (such as fire, first aid) ]located in the Township of East Brunswick, where solid waste and recyclables can be safely placed at the curb in *carts*, containers, bags and bundles[ as may be appropriate and not exceeding five items per collection day].

## [REUSABLE RECEPTACLE]

[Any container which meets the definition of "receptacle" and is constructed of wood, metal, plastic or other natural or synthetic materials, used for containment and placement for collection of solid waste and recyclables.]

\* \* \*

## SOLID WASTE DISTRICT (SWD)

A designated area of the Township wherein solid waste[ and/or recyclables are ] *is* collected at curbside from each residential dwelling or unit.

\* \* \*

## Section 114-5 Requirements for vehicles used for collection and transport of solid wastes.

\* \* \*

- B. No such vehicles shall stand in the streets or other public places at any time except when being loaded. Vehicles shall also be in compliance with appropriate noise level and abatement requirements and

standards. It is further provided herein that solid waste collection vehicles may operate from 5[7]:00 AM to Sundown, Monday through Saturday.

\* \* \*

**Section 114-8 Solid waste disposal service.**

Property owners and their agents, lessees, tenants or other occupants who wish to have their solid waste disposed by the Township shall:

- A. Place solid waste from their unit in [appropriate Township issued] *Carts*, *Containers*, [receptacles,] and/or bundles as specified at the [street] *curbline or pavement edge*. [if one exists or adjacent to but not on the street pavement if there is no curb. The number of containers shall not exceed five per dwelling on a single collection day. If residents plan to exceed five items or put out items that are over four feet in length or weigh over 50 pounds, they must call the Department (or its designee) between the hours of 8:00 a.m. and 5:00 p.m. at least one working day prior to their published collection day. They must describe the number of items placed out for collection, its volume, and provide their address. The Department (or its designee) shall reserve the right of decision in determining the maximum capacity per truck and therefore the right to limit the number of special collections according to volume per route.]
- B. [Receptacles may] *Carts/Containers must* be placed beginning at dusk of the night preceding the scheduled collection day. All *Carts/Containers* [containers] with solid waste shall be placed out by 5[7]:00 a.m. of the collection day, and those placed after said hour may not be collected if said collection activity has already taken place. *Carts shall be free of obstructions by at least 3 feet in every direction with wheels facing the curbline or pavement edge*. Solid waste [receptacles] *Carts* shall be removed from the curb or pavement edge by the evening of the collection day.

\* \* \*

- D. *Reserved*. [The Department may permit additional receptacles to be placed at curbside, provided that special prior arrangements have been made with the Department.]

\* \* \*

- F. Owner and occupants to supply [receptacles] *Containers* in all [cases] *areas designated as Manual Collection* as follows:
1. The owner, lessee, tenant occupant or agent of every premises where solid waste [and recyclables] accumulates shall provide *Containers* [receptacles] for receiving and holding solid waste [and recyclables]. At least one receptacle shall be provided for each residential unit.
  2. All receptacles shall be constructed of metal or plastic and shall be watertight and fitted with tight-fitting covering which shall prevent spilling or leakage of contents. For single-family residences, each container shall have the capacity of not more than 35 gallons for garbage and not more than 32 gallons for recycling, and both shall be equipped with at least one handle for pulling and lifting. In no case will the weight of the container and its contents be allowed to exceed 50 pounds.]
  3. Reusable containers made of wood, plastic or metal may be used for newspaper containment prior to placement at the curb for collection, provided that littering (blowing paper) will not occur prior to collection and the total weight of container and newspapers do not exceed 50 pounds.]

2[4]. All owners and tenants of property at which recyclable food and beverage containers are sold, dispensed or vending machines are located, the owners or tenants shall provide separate solid waste and recycling containers for use and disposal of solid waste and recyclables as defined herein.

- G. Mattresses and box springs placed curbside for bulk collection shall be wrapped in plastic or placed in disposable plastic bags designed for mattresses and box springs. The wrapping must be of sufficient strength to avoid tearing and cover all exposed areas of the mattress and box spring. Items that do not comply may be subject to non-collection at the absolute discretion of the Director of Public Works or their designee. *Property owners must call the Department of Public Works for special pickup for these items.*

**Section 114-9 Exceptions to solid waste disposal services.**

- A. Solid waste and recycling collection or disposal service shall not be provided to any commercial, industrial, *school* or institutional properties [unless they are a part of the municipal government of the Township of East Brunswick].
- B. Solid waste and recycling collection or disposal service shall not be provided to governmental properties (Federal, State, and/or County [unless they are a part of the municipal government of the Township of East Brunswick.]), or to multiple dwelling complexes or medical facilities or offices except offices located in a residential structure which qualify under N.J.S.A. 40:55D-4, or any development (as defined in N.J.S.A. 40:55D-4) wherein the developer in securing municipal approval agreed to provide private garbage service as set forth in an offering statement or in a resolution approving such development.

**Section 114-10 Prohibited materials.**

\* \* \*

- F. *Reserved.* [Dead animals, animal waste and animal droppings, unless they are double bagged for collection, in 10 millimeter plastic heavy duty bags.]

\* \* \*

**Section 114-11 Bulk[y] items from residential use.**

- A. Domestic or household bulky items, such as air conditioners, washing machines, dryers, refrigerators, hot water heaters, sinks, stoves, garbage disposals/compactors, household appliances, metal fencing and poles (without cement attached), leaders and gutters, metal doors, pool fixtures, sheds, swings and other household furnishings, such as chairs, sofas, rugs, padding, etc., shall not be placed at the curb for collection unless special arrangements have been made with the Township[, meeting the published collection schedule]. *Items shall be not placed curbside for collection until the night before the collection date.* No bulk[y] items shall be of a weight or be of a size greater than can be conveniently handled by two (2) persons.

\* \* \*

**Section 114-12 Branches.**

Provided that special arrangements have first been made with the Department of [Parks and] Public Works, branches, bulky tree limbs and tree trunks will be collected pursuant to the collection calendar, as amended from time to time, provided that these items are deposited at street side, and not on the street pavement. Branches, bulky tree limbs and tree trunks may be placed at the curb in appropriately sized piles prior to the scheduled collection day.

### **Section 114-13 Leaves.**

- A. The service listed under the nomenclature of "yard waste" in the annual Township schedule shall, during the months of [October,] November[,], and December, consist [of] strictly *of* leaf collection. During this time, leaves may be placed in neat piles at the curb or pavement edge for collection, provided that the piles *are not in the roadway or* do not constitute a traffic hazard. Residents may also place leaves for collection in Biodegradable bags during the months of [October,] November, and December [which are collected on the normal recycling collection day]. The Biodegradable bag shall not exceed fifty (50) pounds in weight, be neatly placed untied at the curb and be separated from solid waste and recycling containers by a minimum of a foot (12 inches) distance.

\* \* \*

### **Section 114-14 Grass clippings.**

- A. Residents are encouraged to recycle their grass clippings by cutting and leaving. For those individuals who cut-and-bag their grass clippings the following procedures shall govern:
1. Grass clippings shall not be commingled with other yard waste.
  2. Grass clippings shall be placed *in the Solid waste Carts for collection on collection days.* [at the curb in reusable containers with tops off or in untied plastic bags placed curbside. Neither the reusable container or the plastic bags shall exceed fifty (50) pounds including the contents within the container.]
  - [3. Reusable containers or bags shall be placed at curb side on normally scheduled solid waste collection days separate from garbage or refuse also placed for collection.]
  - [4. Any grass clippings placed at the curb or pavement edge during the months of leaf collection need not be contained but can be commingled with leaves placed for collection.]
  - [5. Grass bags shall be placed at the curb. Residents/contractors may place these bags at the curb no earlier than 6:00 P.M. on the evening prior to scheduled collection.]
- B. It shall be a violation of this chapter for any resident or private contractor to place loose grass clippings at the curb or pavement.

### **Section 114-14.1 Yard Waste Collection.**

Sweeping, raking, blowing or otherwise placing yard waste that is[n] not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance.

### **Section 114-15 Fees for non-compliance.**

Property owners of record shall be responsible for the placement of materials for collection as specified herein. The Director of Finance, Director of [Parks and] Public Works and the Recycling Coordinator shall be empowered to fix fees by regulation, subject to the approval by the Township Council, for the removal of materials not placed in accordance with the terms of this chapter. The payment of applicable fees shall be the responsibility of the property owner of record *and will be adjudicated through Municipal court. Summons may be issued by the Director of Parks, Public Works, the Recycling Coordinator or any officer of the township and or their designee.*

\* \* \*

**Section 114-19 Enforcement.**

This chapter shall be enforced in Municipal Court upon a complaint signed by the Recycling Coordinator, Code Enforcement Officer, the Board of Health, the Department of Public Works, *Department of Parks* or the Department of Public Safety *or their designee* [of the Township of East Brunswick]. Further, if a complaint has been signed and issued, and the Township prevails against the violator, the responsibility for solid waste disposal shall lie with the violator. If the violator does not correct the violation the Township shall take action to protect the general health of the public and the cost of such actions shall be processed as a lien against the property and in accordance with law.

\* \* \*

**Section 114-25 Municipal drop-off center.**

The Department of Public Works shall, by regulation, designate a municipal [recycling center] *Convenience Center*. Said center shall accept, as a minimum, newspaper, corrugated paper, junk mail, aluminum, metal, bimetal, glass, and plastics pursuant to N.J.A.C. 14A:3-11.1 et seq., as well as many items classified as recyclable by regulation of the Department of Public Works. [The Director upon written request may allow business, commercial, industrial, institutional and/or professional property owners to drop off source separated materials at the Recycling Center for processing provided that recycling collection or processing costs are not accrued to the Township.] *No contractors, landscapers, tree services, or dump trailers are permitted.*

\* \* \*

**§ 114-26 Disposal of recyclable items.**

Materials classified as recyclable shall only be disposed of by:

- A. Placing them for collection by the municipality pursuant to the terms of this chapter and regulations issued by *the* Department in accordance with the provisions set forth by the Township Council.

\* \* \*

**BE IT FURTHER ORDAINED**, that if any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED**, that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect twenty (20) days after final passage, adoption, and publication according to law.

Rejected

Approved

  
 Brad Cohen, Mayor

6/25/24  
 Date

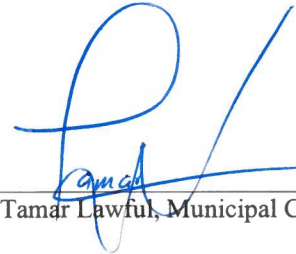
Reconsidered by Council \_\_\_\_\_

Override Vote Yes \_\_\_\_ No \_\_\_\_

**DATE OF ADOPTION: JUNE 24, 2024**



Kevin McEvoy, Council President



Tamar Lawful, Municipal Clerk

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
Wendell	X		X			
Winston			X			
Zimbicki		X	X			
McEvoy			X			