

O-15-24

**AN ORDINANCE AMENDING CHAPTER 264 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF WHARTON, COUNTY OF MORRIS, STATE
OF NEW JERSEY**

BE IT ORDAINED by the Governing Body of the Borough of Wharton that Chapter 264 "Solid Waste" of the revised general ordinances of the Borough of Wharton is hereby amended as follows:

Chapter 264-1. Word usage; definitions. [Amended 4-28-2008 by Ord. No. O-11-08]

A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given hereafter. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

B. As used herein, the following terms shall have the meanings indicated:

ASHES — The residual from the burning of wood, coal, coke or other combustible materials.

BOROUGH — The Borough of Wharton.

BUILDING MATERIALS — Any material, such as lumber, brick, plaster, gutters, roofing shingles or other substances, accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

BUNDLES — Normally loose items which shall be collected if organized into bundles of not more than four feet in length and tied with heavy twine, rope, wire, etc. Bundles shall be organized as to be conveniently handled by one person. No bundle shall exceed 50 pounds in weight.

BUSINESS TRASH — Any waste, accumulation of dirt, dust, food, paper, cardboard, excelsior, rags or other accumulation, other than household trash, which is usually attendant to the operation of stores, offices or similar businesses.

COMMERCIAL, INDUSTRIAL AND PROFESSIONAL PROPERTIES — Any retail, manufacturing, wholesale, governmental or other nonresidential establishment.

CONTAINER — See "receptacle".

COORDINATOR — The Solid Waste, Recycling and Clean Community Coordinator for the Borough of Wharton.

DEPARTMENT — The Borough of Wharton Public Works Department.

DIRECTOR OF PUBLIC WORKS — The Director of Public Works for the Borough of Wharton.

GARBAGE — Putrescible animal and/or vegetative waste resulting from the handling,

preparation, consumption or cooking of food, and shall include any fecal waste from any animal or bird (when fecal matter has been separated from other waste and is double-bagged prior to placement for collection).

HAZARDOUS WASTE — Any waste or combination of wastes which pose a present or potential threat to human health, living organisms or the environment, including, but not limited to, waste material that is toxic, carcinogenic, corrosive, irritating, sensitizing, biologically infectious, explosive, flammable or radioactive and any waste so designated by the United States Environmental Protection Agency or the New Jersey Commissioner of the Environmental Protection Department.

HOSPITAL/RED BAG WASTE — Includes, but is not limited to, all instruments, supplies, containers, bandages, tubing, gloves, etc., used by health-care practitioners and facilities as described in the New Jersey Department of Health regulations and New Jersey law, section 306 of the Manual of Standards for Hospital Facilities, and N.J.S.A. 2C:36-6.1.

HOUSEHOLD TRASH — Every waste accumulation of paper, sweepings, dirt, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

INDUSTRIAL WASTE — All waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

LITTER — Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material or any combination thereof, including but not limited to any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

MULTIPLE-DWELLING COMPLEX — Any building or structure and land appurtenant thereto containing more than 20 living units (such as townhouses, condominiums and apartment houses).

MULTIPLE-DWELLING UNIT — Any building or structure and land appurtenant thereto containing 20 or more living units.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

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 their contents are not exposed to the weather, animals and vermin. The receptacle shall be of such a design and weight as to be able to be conveniently handled by one person. No container shall exceed a weight of more than 50 pounds when loaded. Commercial garbage receptacles and fifty-five-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 "household trash." [\(See definition of Semi-](#)

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RECYCLABLE MATERIALS — All waste materials which have the ability to be returned, through processing, to their former or alternate use. Following are examples, but recyclable materials are not necessarily limited to these definitions of materials mandated to be source-separated and recycled in Morris County, New Jersey:

- (1) **ALUMINUM CANS** — Cans made from aluminum that were manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.
- (2) **GLASS BOTTLES AND JARS** — Bottles and jars made from glass, including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide-mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.
- (3) **PLASTIC BOTTLES** (coded 1 and 2) — Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high-density polyethylene (HDPE). See symbols below. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids are not included. Any item made of plastic that is not a bottle and any plastic bottle without one of the symbols shown below is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc., should not be recycled.

Plastic Bottles (coded 1 and 2)



- (4) **STEEL (TIN) CANS** — An airtight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.
- (5) **NEWSPAPER** — A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. "Newspaper" may include glossy inserts which come with the paper, dependent upon the market conditions at the time.
- (6) **CORRUGATED CARDBOARD** — Shipping containers made with kraft paper, linerboard and corrugated medium.

- (7) **MIXED PAPER** — Various categories of recyclable paper, including, but not limited to, white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft-cover books.
- (8) **LEAVES, GRASS, BRUSH:**
- (a) **LEAVES** — Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residential and/or commercial lawns.
- (b) **GRASS CLIPPINGS** — Vegetative material generated when grass (lawn) is cut.
- (c) **BRUSH** — Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.
- (9) **NATURAL WOOD WASTE** — Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.
- (10) **OIL-CONTAMINATED SOIL** — Nonhazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, No. 4 and No. 6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be nonhazardous in accordance with the standards set forth in N.J.A.C. 7:26.
- (11) **USED MOTOR OIL** — Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.
- (12) **LEAD-ACID BATTERIES** — Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.
- (13) **HAZARDOUS DRY CELL BATTERIES** — Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel-metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for nonrechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are nonrechargeable batteries that are hazardous, as defined by the Resource Conservation Recovery Act (RCRA), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 CFR 261.4(b). Nonrechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc nonrechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered

RCRA hazardous, and therefore are not included in this material category.

- (14) **METAL APPLIANCES** — Appliances composed predominantly of metal and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.
- (15) **WHOLE TIRES** — Tires that are whole, not chipped into small pieces. Tires are allowed to be recycled and/or incinerated for energy recovery.

REGULATIONS — Includes such rules, schedules or times promulgated by the Director of Public Works and adopted by the Borough Council to carry out the intent of this chapter.

SEMI-AUTOMATED GARBAGE CART—A 95-gallon or less capacity container designed for the removal of solid waste, bought by and owned by the Borough of Wharton and distributed to residents for the disposal of solid waste.

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SINGLE RESIDENTIAL UNIT — Any dwelling place occupied by one family.

SOLID WASTE — All garbage and rubbish normally generated by the occupants of residential and other property, disposed of by private and/or public collection and defined as "solid waste" by the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-3). Items classified as recyclables shall be prohibited from being placed or co-mingled with other materials. The Borough of Wharton is licensed by solid waste permit to collect three types of waste:

- (1) **TYPE 10, MUNICIPAL WASTE** — Residential, commercial and institutional solid waste generated within a community.
- (2) **TYPE 13, BULKY WASTE** — Large items of solid waste which, because of their size or weight, require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such items as tree trunks, parts of auto bodies, demolition or construction material, appliances, furniture and drums.
- (3) **TYPE 23, VEGETATIVE WASTE** — Includes, but is not limited to, tree limbs, branches, leaves, grass clippings, plants and flower residue, etc.

STREET — Any right-of-way, avenue, boulevard, road, parkway, viaduct, drive or other way, which is:

- (1) An existing state, county or municipal roadway;
- (2) Shown upon a plat approved by the Planning Board or Zoning Board of Adjustment and built in accordance with Borough standards and which may be either public or private; or
- (3) Shown on a plat filed with the office of the County Clerk of the County of Morris prior to the creation of the Planning Board or Zoning Board of Adjustment of the Borough of Wharton; and

- (4) Not dedicated, in whole or part, as a parking area or driveway which provides access to any building or structures.

YARD WASTE— Any waste accumulations of grass, leaves or shrubbery, cuttings or clippings, tree branches, tree limbs, parts of trees, bushes, shrubbery or other material usually created as refuse in case of yard maintenance. Yard waste shall be free of dirt, rocks and other bulky and noncombustible materials and shall be separated for purposes of collection into grass clippings and leaves and other materials.

Chapter 264-2. Vehicles hauling waste

Use of vehicle. Every person or persons or corporation who shall transport any of the above through or along any street in said Borough shall use a vehicle properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

- A. Vehicles not to stand in streets. No such vehicles shall stand in the streets or other public places at any time except when being loaded.

~~B.~~

Chapter 264-3. Solid waste hauler reports.

All licensed solid waste haulers servicing residential, commercial and/or institutional premises located within the boundaries of the Borough shall be required to complete and submit tonnage reports of solid waste types collected within said boundaries, excluding recyclables, on a quarterly basis to the Board of Health of said Borough.

Chapter 264-4. Collection schedule.

- A. Collection sectors, together with the dates of collection, shall be established by regulations of the Department. In the event of emergent situations and inclement weather, such as ice and snow storms, high winds and/or heavy rains, the Department may suspend, restrict or modify the provisions of this chapter. Should any of the above situations occur, collection for the service which was suspended will resume on the next regularly scheduled collection day.
- B. The following shall constitute holidays on which collection will not be made:
 - (1) New Year's Day.
 - (2) President's Day.
 - (3) Good Friday.
 - (4) Memorial Day.
 - (5) Independence Day.
 - (6) Labor Day.

- (7) Columbus Day.
- (8) Veteran's Day.
- (9) Thanksgiving Day.
- (10) Friday after Thanksgiving Day.
- (11) Christmas Eve.
- (12) Christmas Day.

Chapter 264-5. Placement at curb for collection.

With the exception of qualified private communities as defined in N.J.S.A. 40:67-23.2, which have entered into a separate agreement with the Borough, property owners and their agents, lessees, tenants or other occupants who wish to have their solid waste disposed of by the Borough shall place solid waste from their units in a Borough-owned 95-gallon or smaller cart, in appropriate containers, receptacles and/or bundles as specified at the street curb, if one exists, or adjacent to, but not on the street pavement if there is no curb. The number of containers shall not exceed six per dwelling on a single collection day; however, such limitations on the number of containers per collection day shall not apply to private, elementary or secondary schools. If residents plan to exceed six items or put out items that are over four feet in length or weigh over 50 pounds, they must call the Director between the hours of 8:30 p.m. and 4:00 p.m. at least one working day prior to their published collection day. They must describe the number of items placed out for collection, their volume and provide their address. Residents must also obtain stickers in accordance with § 264-16F(1) of this chapter. The Department shall reserve the right to determine the maximum capacity per truck and, therefore, the right to limit the number of special collections according to volume per route. 1) Garbage shall be placed in the collection cart provided by the Borough for that purpose. Each Single Residential Unit within the Borough that is having its solid waste collected at the curbside by the Borough as of the effective date of this chapter, and every future Single Residential Unit where the semi-automated collection system is determined feasible by the Director of Public Works shall receive one ninety-five-gallon or smaller cart. This semi-automated collection cart shall be and remain the property of Wharton Borough and shall stay with the dwelling unit it was assigned to, regardless of resale, rental, or other conditions. Only Borough-issued carts will be emptied by collection crews. No other container will be accepted. 2) Each owner/renter may rent from the Borough one additional cart for each single residential unit. The one-time rental fee is \$60.00. The cart must be returned to the Borough in the event of a sale or lease termination. 3) The Borough-provided semi-automated collection cart shall not be used for any other purpose other than for the collection of solid waste. The pick-up of recyclable material shall remain using a receptacle or MUA blue container.

A. Subject to the provisions of § 231-14K(16) of Chapter 231, Property Maintenance, of the Code of the Borough of Wharton, ~~receptacles~~ the semi-automated collection cart shall be placed at the curb or the edge of the street with the handle facing out, away from the residence as specified above beginning at ~~5:00~~ 6:00 p.m. of the day preceding the collection day. All containers including those for recyclable material with solid waste shall be placed

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by 6:00 a.m. of the collection day, and those placed after said hour may not be collected if said collection activity has already taken place. ~~Solid waste~~ **All** receptacles shall be removed from the curb or pavement edge ~~by 9:00~~ **8:00** p.m. of the evening of the collection day. **[Amended 4-28-2008 by Ord. No. O-11-08]**

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~~B. Properties shall be permitted to place solid waste for collection pursuant to this chapter and regulations issued by the Borough Council. Said regulations shall, as a minimum, state the type and number of receptacles and shall provide for regular, special and unlimited pickup, subject to limitations of the municipal budget of the Borough.~~

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~~C. The Department may, provided that sufficient capacity of the routes remain, permit additional receptacles to be placed, provided that special prior arrangements have been made with the Department.~~

D. No collection of solid waste shall be accomplished on property outside of the dedicated public right-of-way unless and until a release and a hold-harmless and indemnification agreement between the property owner of record and the Borough shall be executed and in force. The owner of record shall also execute a license to the Borough to permit access to the premises in question. These premises shall only be served after the Department has deemed the roadway navigable and offers maneuverability to municipal equipment. It shall be the responsibility of the property owners and their agents, lessees, tenants or other occupants residing at said premises to maintain the roadway and vegetative overgrowth. Failure to meet these requirements will result in loss of services until such time as they are met as determined by the Department.

E. Residential and nonresidential institutions will be served in accordance with the provisions of Subsections A and B of this section, provided that institutional driveways are navigable and offer maneuverability to Borough collection vehicles. No provisions are made for the collection of waste materials such as tires, waste oil and red bag (medical waste) or any other waste not collected from a private household.

Chapter 264-6. Exceptions to solid waste disposal service.

Solid waste disposal service shall not be provided to any federal, state, county or municipal government properties other than properties of the Borough and its school facilities, or to multiple dwelling complexes, except a qualified private community as defined in N.J.S.A. 40:67-23.2, or to medical facilities or offices, except offices located in a residential structure.

Chapter 264-7. Prohibited materials.

The following items are prohibited from being placed for collection:

- A. Construction materials, including, but not limited to, bulk roof shingles, dimensional framing lumber, bulk or sheets of plywood, paneling, plasterboard, sheetrock, etc.
- B. Bulk grass cuttings and tree trimmings, except that these items may be collected if placed in reusable receptacles or approved leaf and grass clipping bags.

- C. Hot ashes, dirt, earth, stone, blacktop, concrete, concrete block and macadam.
- D. Industrial waste, including but not limited to, processed scrap materials, packing materials and certain hazardous and dangerous materials, such as acids, paints, fluorescent tubes, bulk amounts of glass, toxic materials and highly volatile or explosive matter, either in liquid, gaseous or solid form.
- E. Bulk automotive parts, including, but not limited to, transmissions, engines, rear ends, wheels, mufflers, and other bulk items normally produced in quantity by vehicular repair operations.
- F. Surgical dressings, syringes and disposable hospital-type waste items, also known as "red bag waste."
- G. New and used motor oils, petroleum-based products or antifreeze.
- H. Hazardous waste classified pursuant to regulations issued by the New Jersey Department of Environmental Protection (NJDEP), adopted under authority of N.J.S.A. 13:1D-9 and 13:1E-6, as amended. Toxic chemicals commonly known as "commercial hazardous waste" and "household hazardous waste" would be excluded.

II. Lithium-Ion batteries of any type or size.

Chapter 264-8. Bulky items from residential use.

- A. Domestic or household bulky items, such as washing machines, dryers, refrigerators, stoves, household appliances, and other household furnishings such as chairs, sofas, rugs, padding, etc., shall not be placed at the curb for collection unless a sticker is purchased from the Borough in accordance with § 264-16F(1) of this chapter.
- B. No individual, association, partnership or corporation shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, freezer or dishwasher or any other item of any kind which has an airtight door, with or without lock, without first having removed said airtight door.
- C. No individual, association, partnership, or corporation shall conduct a repair or salvage operation and use the services of the Borough for solid waste collection.

Chapter 264-9. Yard waste.

Branches and leaves. The Borough will provide yard waste collection consisting of leaves and/or brush (including tuber-type plant material, and hedge clippings). Such yard waste shall be free of contamination with any other materials, debris or hazardous substances.

Yard waste will not be accepted in plastic bags. The acceptable receptacles are as defined in the definition known as "receptacles" and recyclable paper bags which are designated to contain leaves or grass clippings. Branches and leaves may be placed at the curb and tied or in reasonable piles no earlier than 5:00 p.m. the day preceding the scheduled collection day and no later than 6:00 a.m. of the collection day. All receptacles must be removed from the curb or pavement edge no later than ~~9:30 p.m.~~ of the scheduled collection day.

[Amended 4-28-2008 by Ord. No. O-11-08]

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- A. Leaves collection schedule. During the months of October, November and December, leaves may be placed in neat piles at the curb or pavement edge for collection, provided that the piles do not constitute a traffic hazard. Residents placing leaves for collection after said special leaves collections of October, November and December shall be required to contain the leaves in approved receptacles for their next regularly scheduled yard waste collection. **[Amended 4-28-2008 by Ord. No. O-11-08]**
- B. Grass clippings. Residents shall be required to contain grass clippings in accepted receptacles at the curb or pavement edge separate from garbage or refuse for collection in accordance with the schedule outlined in the Borough calendar under yard waste services. Any grass clippings placed at the curb or pavement edge during the months of leaves collection shall not be co-mingled with leaves or branches placed for collection. No private contractor shall place grass clippings at the curb or pavement edge. The Borough will collect and transport grass clippings to an approved composting facility; however, it is strongly encouraged that grass clippings be left on lawns.

Chapter 264-10. Cleanup responsibilities.

In the event of change of occupancy due to the sale of the property or due to a change in tenancy **when the property owner or tenant cleans out the property and leaves excess trash for pick up,** and in the event the property owner fails to clean up **the clean out debris** within 72 hours upon receipt of a notice by the Borough, said notice to be served personally or by certified mail, then in that event the Borough will clean up the property and the homeowner will be charged **\$200** **\$500** for the cleanup per dwelling unit. In addition to the **two-five** hundred- dollar-per-dwelling-unit fee and the sticker cost, as set forth in § 264-16F(1) of this chapter, the property owner will also be charged the actual amount of time and labor incurred by the Borough and the actual cost of disposal, including tipping fees. In the event the bill remains unpaid for a period of three months, the Department shall file with the Tax Collector a statement showing the amount of the unpaid bill, and said amount shall become a lien on the premises and shall be collected and enforced in the same manner that liens and taxes are enforced and collected.

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Chapter 264-11. Exemptions for physically handicapped individuals.

The Department may issue regulations exempting from total or partial compliance with this chapter those residential properties whose sole occupant or occupants are unable to meet the requirements of this chapter by reason of a physical disability.

Chapter 264-12. Final disposal of solid waste.

The Department shall forthwith transmit all solid waste collected pursuant to this chapter to lawfully licensed facilities designated by the County of Morris in the Morris County Solid Waste Plan and/or by the State of New Jersey. If permitted by said solid waste plan and if said users and markets exist on a positive cost-benefit-ratio basis to the Borough, then the Borough may elect to dispose of said solid waste or a portion thereof in an alternative manner pursuant to statute and regulation.

Chapter 264-13. Designation of recyclable materials.

Upon classification of an item or material presently or prospectively a part of the co-mingled solid waste flow as recyclable, residential and other property owners, except for the United States Government and the State of New Jersey, shall cause themselves or their agents, lessees, tenants or their occupants to separate said item or materials separately for collection, whether said collection is performed by a municipal agency or private contractor.

- A. On and after the date fixed in the regulations and in accordance with the terms thereof, it shall be mandatory for all persons who are owners, lessors, renters or occupants of residential dwellings and commercial, industrial and institutional properties in the Borough to separate recyclable materials from all other solid waste generated. Commercial, industrial and institutional properties that are not serviced by the Borough shall be required to negotiate with their private hauler/contractor in accordance with the provisions of the Morris County District Recycling Plan.
- B. Waste materials to be recycled according to the New Jersey State regulations and designated as recyclable by the Borough are:
 - (1) Aluminum food and beverage containers.
 - (2) Cardboard/corrugated paper.
 - (3) Glass food and beverage jars.
 - (4) High-grade and mixed paper; computer, office paper, scrap paper, stationery/envelopes, and junk mail.
 - (5) Newspapers and magazines.
 - (6) Steel cans and bimetal containers.
 - (7) Waste oil.
 - (8) Yard waste: leaves, grass clippings, branches and vegetative waste.
 - (9) Plastic bottles (No. 1 PETE and No. 2 HDPE).
 - (10) Tires, vehicular batteries.
 - (11) Oil-contaminated soil (nonhazardous, type 27),
 - (12) Stumps and logs.
 - (13) Asphalt roof shingles.
 - (14) Dry cell batteries.
 - (15) White goods (appliances, CFCs to be recovered where applicable).

Chapter 264-14. Disposal of recyclable materials.

- A. Materials classified as recyclable shall only be disposed of by:
- (1) Placing them for collection by the municipality pursuant to the terms of this chapter and regulations issued by the Department of Public Works in accordance with the provisions set forth in the Borough of Wharton municipal calendar ~~calendar~~ and MUA
 - (2) Disposing of, giving, donating or selling them or permitting them to be collected by any person, partnership or corporation, whether operating for profit or not, provided that the material shall:
 - (a) Be recycled.
 - (b) Be reported to the municipality by both the generator and the receiver of the recyclable items or materials in accordance with regulations of the Department.
 - (c) Not under any circumstances picked up from curbside in the Borough.
- B. Recycling documentation in the form of weight slips or a signed business form letter shall be required from all those who market, collect, haul and/or generate recyclable materials, whether they are residential, commercial and/or institutional premises located within the boundaries of the Borough of Wharton, as required by the Morris County District Recycling Plan. These records and reports shall be submitted to the Borough of Wharton Recycling Coordinator on a quarterly basis, specifically not later than close of business January 1, April 1, July 1 and October 1 of a given year and beginning as of the effective date of this chapter.
- C. Used tires: The Department will provide for the disposal of used tires by the residents. The Borough Council shall establish fees established by ordinance within this Chapter by resolution for the disposal of used tires. The disposal method shall be established by regulation of the Department.

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Chapter 264-15. Multi-generator building recycling responsibilities.

In the case of multi-generator buildings, such as apartment buildings, hotels or office buildings, the building management as well as the generators shall be responsible for compliance with county- and municipality-mandated material source-separation recycling requirements. All multi-generator sectors must submit tonnage reports to the Borough on a quarterly basis, as described above.

Chapter 264-16. Separation and placing for removal; containers.

The occupant or owner of any building within the Borough who shall place for disposal, removal or collection the following items shall do so in strict conformity with the following regulations:

- A. Newspapers and magazines shall be bundled separately and secured in bundles not to exceed 50 pounds per single bundle.
- B. Glass shall be contained in suitable occupant- or owner-supplied container. Said items shall

be washed out with no lids on them.

- C. Aluminum shall be contained in suitable occupant- or owner-supplied container. Said items shall be washed out.
- D. Corrugated cardboard shall be broken down and bundled separately and secured in bundles not to exceed 50 pounds per bundle and shall not be contained in plastic bags.
- E. Tires without rims will be picked up at curbside with proper stickers purchased from the Borough Hall. Sticker cost shall be \$3 for the first tire and \$2 for every tire thereafter, provided the stickers are purchased at the same time. For handicapped persons and senior citizens (over age 62), there is no charge for the stickers.
- F. Other items shall be picked up by the Borough only when the proper sticker is displayed. The sticker shall be purchased from the Borough Hall at the cost set forth below. Senior citizens and handicapped persons will not be subject to the costs, provided they submit to the Borough Clerk proof that they are 62 years or over and/or are handicapped. The cost will be waived, provided the stickers are used for their primary residence only. Stickers obtained for commercial or rental property must be purchased as set forth below, regardless of age or handicapped.

(1) The cost of all stickers shall be ~~\$10~~ ~~\$29~~ ~~\$15~~. Items that need stickers shall include, but are not limited to, washers, dryers, appliances, box springs, mattresses, furniture or any similar items. Refrigerators, freezers and air conditioners will be removed, provided that the freon is removed in accordance with state laws and the proper sticker adhered to the item.

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(2) The Borough has the right to sell or issue a limit of ~~four~~ ~~six~~ stickers ~~per collection~~ ~~at a time~~ to any one person.

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~~(2)(3)~~ Sticker pick-ups are limited to six appointments per year for each Single Dwelling Unit. Sticker pick-up allows items that are too large to place in the semi-automated cart. Stickered item pick-up will be on the same day as regularly scheduled garbage pick-up. Each Single Dwelling Unit is limited to 2 cubic yards of trash per appointment. Appointments are to be made at Borough Hall.

~~(3)(4)~~ The Council may, by resolution, grant other exceptions.

- G. Plastic bottles and tin cans shall be contained in suitable occupant- or owner-supplied containers. Said items shall be washed out.

Chapter 264-17. Times of placement to the curb. [Amended 4-28-2008 by Ord. No. O-11-08]

Subject to the provisions of § 231-14K(16) of Chapter 231, Property Maintenance, of the Code of the Borough of Wharton, all materials that are to be picked up at the curbside will be placed there on the scheduled day no earlier than ~~5:00~~ ~~6:00~~ p.m. the previous day and no later than 6:00 a.m. on the date of the scheduled pickup. All receptacles must be removed from the curb or pavement edge no later than ~~9:00~~ ~~8:00~~ p.m. on the scheduled collection day. ~~All garbage carts, recycling containers and yard waste containers must~~ ~~should be screened from public view when not out for pick-up.~~

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Chapter 264-18. Construction debris.

The Borough will not undertake to remove any solid waste or debris resulting from new construction or renovation. The resulting solid waste or debris will be the sole responsibility of the property owner or tenant, whichever the case may be.

Chapter 264-19. Owner responsibility for removal of large amounts of solid waste.

In the event that a property owner must remove a large amount of solid waste from his property, i.e., house full of furniture, estate sale, etc., the property owner must then make arrangements for the removal of said solid waste. ~~The removal of said solid waste will be the sole responsibility of the property owner.~~

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~~The Borough can provide a trash container for rental. A 4-yard ~~hinged-lid~~ dumpster will cost \$300.00 for one 7 day period. An 18-yard ~~dumpster~~ ~~open top~~ garbage container will cost \$600 for one 7-day period. Other sizes at different prices may become available in the future, at the discretion of the Director of Public Works. If the tipping fee of the container costs exceeds the rental cost paid to the Borough, then the renter of the container is required to pay the overage. Use is limited to disposal of personal property household items generated by a major cleanup, renovation or in preparation for transfer of ownership. The waste that is permitted to be placed in these containers must be either TYPE 10 or TYPE 13, as specified in the definitions listed in this ordinance, elsewhere in this document. The material placed in the container is subject solely to the approval of the Director of Public Works.~~

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Chapter 264-20. Promulgation of regulations.

The Director is hereby authorized and directed to promulgate such reasonable regulations as to the manner, days, times, fees, etc. for the collection of solid waste in accordance with the terms hereof and shall forward such regulations to the Borough Council for adoption by resolution. Such regulations may be amended from time to time as needed to encourage the operation of the collection program.

Chapter 264-21. Borough to be held harmless.

Property owners and their agents, lessees, tenants or other occupants who place materials not in accordance with this chapter shall hold harmless and indemnify for any or all losses the Borough, its employees and agents for all costs, direct and indirect, which are attributable, in the sole discretion of the Borough, for materials which were placed for collection in violation of the terms of this chapter.

Chapter 264-22. Enforcement.

A. This chapter shall be enforced in Municipal Court upon a complaint signed by the Health Officer, an employee of the Department or a police officer of the Borough, hereinafter referred to as the "Enforcement Officer." Further, once a complaint has been signed and issued, the responsibility for disposal of solid waste shall remain with the violator and/or shall be processed as a lien against the property and in accordance with law.

- B. Any notice required to be given under this chapter shall be mailed by the Enforcement Officer to said owner and/or tenant either personally by certified mail, return receipt requested, addressed to his or her last known address or, if unknown, in the case of an owner, to his address as the same appears on the tax records of the Borough. Simultaneous notice may be sent by regular mail and will be considered to constitute notice in the event that the certified mail is refused by the addressee or the addressee's agent or is otherwise undeliverable. Service also may be accomplished by hand delivery to the owner and/or tenant.
- C. Whenever the Enforcement Officer determines that there is or has been a violation of any provisions of this chapter notice shall be given of such violation to the person, persons, or entities responsible therefor under this chapter. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by registered or certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax sale lists of the Borough, or a copy thereof is left at the usual place of abode or office of said persons or entities, or is personally served. Notice shall be given as aforesaid within or without the Borough. The notice shall also state that, unless the violation is abated, removed, cured, prevented or desisted from within 10 days of the date of service of such notice (exclusive of the date of service), a summons shall be issued for said violation. The Enforcement Officer may, at the time he issues the notice, extend the period for compliance with the violation stated in the notice for a period in excess of the aforesaid 10 days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the ten-day period, and, in such cases, the Enforcement Officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said ten-day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons shall then be issued against the person, persons, entity or entities so notified.

Chapter 264-23. Violations and penalties.

- A. Each collection in violation of this chapter and each day a violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such.
- B. Any person or entity who shall violate any of the provisions of this chapter or any orders promulgated hereunder shall, after a summons is issued under the terms hereof and upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I, General Penalty.

First Reading: May 20, 2024
Second Reading: June 10, 2024

ATTEST:

Gabrielle Evangelista,
Borough Clerk

BOROUGH OF WHARTON

WILLIAM J. CHEGWIDDEN,
MAYOR