

ORDINANCE 2017-01

ORDINANCE AMENDING CHAPTER 255 “SOLID WASTE” OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH WITH THE ADDITION OF ARTICLE III “PROOF OF SOLID WASTE COLLECTION SERVICE”

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 255 “Solid Waste” of the Code of the Township of Hillsborough is hereby amended with the addition of Article III “Proof Of Solid Waste Collection Service” as follows:

Section 1. Article III. Proof Of Waste Collection Service.

§255-19. Definitions.

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

Proof of Collection Service

A written record, log, bill or document evidencing receipt of service for the collection of solid waste for the preceding month from a person lawfully engaging in private solid waste collection services within the Township or receipts from a solid waste facility evidencing that a responsible solid waste generator has transported his solid waste directly to that facility for disposal.

Regular Solid Waste Collection Service

The scheduled pickup and removal of solid waste from residential, commercial or institutional premises located within the boundaries of the Township at least once a week.

Responsible Solid Waste Generator

Any property owner, tenant or occupant of any single-family residential dwelling or multiple dwelling or the owner of any commercial or institutional building or structure located within the boundaries of the Township who generates solid waste at those premises.

Solid Waste

Garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine to their own farms.

Solid Waste Collection

The activity related to pickup and transportation of solid waste from its source or location to a solid waste facility or other destination.

Solid Waste Container

A receptacle, container or bag suitable for the depositing of solid waste.

Solid Waste Disposal

The storage, treatment, utilization, processing or final disposal of solid waste.

Solid Waste Facilities

The plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

§ 255-20. Proof Of Solid Waste Collection Service.

- A. In the case of single-family residential housing, each responsible solid waste generator shall, in those instances where a solid waste collection system is not otherwise provided for by the Township, enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Township. This requirement shall not apply in those instances where the responsible solid waste generator is transporting the solid waste which is generated at the residential premises directly to the solid waste facility utilized by the Township for disposal.
- B. In the case of multi-family residential housing, the responsible solid waste generator shall, in those instances where a solid waste collection system is not otherwise provided for by the Township, enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Township. This requirement shall not apply in those instances where the responsible solid waste generator is transporting the solid waste which is generated at the residential premises directly to the solid waste facility utilized by the Township for disposal. It shall be the responsibility of the owner of a multiple dwelling to provide a sufficient number of appropriate solid waste containers for the deposit of non recyclable waste materials to be disposed of as solid waste.
- C. In the case of any commercial or institutional building or structure located within the boundaries of the Township, the responsible solid waste generator shall, in those instances where regular solid waste collection services are not otherwise

provided for, enter into a contract with any person lawfully providing private solid waste collection services within the Township.

- D. Each responsible solid waste generator within the Township who is transporting the solid waste which is generated at his or her residential premises directly to the solid waste facility utilized by the Township for disposal shall furnish proof of collection service to the Township at least once every 12 months. In order to fulfill the requirements of this section, the responsible solid waste generator may include the proof of collection service with the municipal tax payment mailed to the Township Tax Collector.

§ 255-21. Notification To Solid Waste Generators.

The Township shall, within six months of the effective date of this article and at least once every six months thereafter, notify all responsible solid waste generators of the requirements of this article. This notification shall be provided by posting a notice within the Municipal Building where public notices are customarily posted and publishing such notice on the Township website.

§ 255-22. Solid Waste Collectors To Provide Solid Waste Generators With Opportunity To Contract For Regular Service.

Every solid waste collector engaging in private solid waste collection services within the Township who is registered pursuant to N.J.S.A. 13:1E-4 and N.J.S.A. 13:1E-5 and holds a certificate of public convenience and necessity pursuant to N.J.S.A. 48:13A-6 and N.J.S.A. 48:13A-9 shall provide all responsible solid waste generators with the opportunity to contract for, on an individual basis, regular solid waste collection services.

§ 255-23. Solid Waste Facilities To Provide Weekly Hours For Direct Transport Of Solid Waste From Residential Premises.

The owner or operator of a solid waste facility utilized by the Township shall establish weekly hours during which individuals may directly transport the solid waste generated at their residential premises for disposal at the solid waste facility. The owner or operator of such solid waste facility shall establish an equitable rate schedule for individual solid waste disposal by citizens on a per pound basis.

§ 255-24. Solid Waste Collection Service Hours.

Pursuant to N.J.S.A. 40:66-1.6 and N.J.S.A. 40:66-5.1, regular solid waste collection service for residential housing within the Township shall be performed between the hours of 5 a.m. and 10 p.m. in order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep.

§ 255-25. Violations And Penalties.

Any responsible solid waste generator, solid waste collector, solid waste facility or other individual who violates or fails to comply with the provisions of this article shall be subject to a fine of up to \$2,000 or imprisonment for a term of not more than 90 days, or both. A separate and distinct offense shall be deemed committed each day a violation or failure to comply with the provisions of this article occurs.

§ 255-26. Notification Of New Jersey Department Of Environmental Protection.

Pursuant to N.J.S.A. 40:66-5.2(c), the Township Clerk is directed to forward a copy of this ordinance by certified mail to the New Jersey Department of Environmental Protection.

§ 255-27. Notification To Solid Waste Facilities.

Pursuant to N.J.S.A. 40:66-5.2(e), the Township Clerk is directed to forward a copy of this ordinance by certified mail to the owner or operator of every solid waste facility utilized by the Township

Section 2. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law.

Section 3. All other ordinances or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

Section 4. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

Section 5. This Ordinance shall take effect immediately upon final adoption and publication according to law.

Attest

Township of Hillsborough

Pamela Borek, Clerk

Carl Suraci, Mayor

Published: 01/13/17
Public Hearing: 02/14/17
Adopted: 02/14/17
Published: 02/24/17