

GARBAGE, RUBBISH, REFUSE MATTER

Chapter 48

GARBAGE, RUBBISH, REFUSE MATTER

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[HISTORY: Adopted by the Township Committee of the Township of Union (now Barnegat) 4-22-54; amended 2-3-55; 6-15-59; 9-2-71; 2-3-75 by Ord. No. 1975-1; 12-1-80 by Ord. No. 1980-38; 12-15-80 by Ord. No. 1980-43; 2-2-81 by Ord. No. 1981-4; 9-19-88 by Ord. No. 1988-31; 6-5-89 by Ord. No. 1989-17; 6-19-89 by Ord. No. 1989-18; 4-2-90 by Ord. No. 1990-9. Repealed and replaced in its entirety 10-16-00 by Ord. No. 2000-43.]

GENERAL REFERENCES

- Brush, weeds, obnoxious growth — See Ch. 36.
- Junk and junk dealers — See Ch. 54.
- Property maintenance — See Ch. 63.
- Swine — See Ch. 80.

Be it ordained by the Mayor and Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

ARTICLE I
General Provisions

§ 48-1. Restrictions.

No solid waste, offal, human excrement or material containing human excrement shall be brought into the

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Township of Barnegat and deposited or otherwise disposed of within the boundaries of Barnegat Township.

§ 48-2. Depositing solid waste, trash and all refuse prohibited.

No person, firm or corporation shall throw, place or deposit or shall permit any person under their control or employment to throw, place or deposit any garbage, rubbish or any other refuse upon any lot or parcel of ground or premises with the Township of Barnegat.

§ 48-3. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

GARBAGE and/or RUBBISH — Includes ashes, waste material and usual customary refuse material that is picked up by general garbage contractors. [Amended 3-17-03 by Ord. No. 2003-01]

§ 48-4. Reserved.

§ 48-5. Separate offense.

Every day that a violation of this chapter occurs shall be considered a separate offense.

ARTICLE II
Definitions; Administration

§ 48-6. Definitions.

As used in Article II, the following terms shall have the meanings indicated:

BULKY WASTE — Large items of solid waste, such as household appliances, furniture, small auto parts, fixtures, bicycles, household items, carpet and carpeting. Also waste wood, metal items or minor construction debris. [Amended 3-17-03 by Ord. No. 2003-01; amended 5-16-05 by Ord. No. 2005-31]

COLLECTION — The act of removing solid waste from the central storage point at the source of generation.

COMMERCIAL SOLID WASTE — Solid waste generated by those businesses which constitute wholesale, retail or service establishments, such as restaurants, stores, markets, theaters, hotels or motels, warehouses, offices, and other activities that do not actually turn out a product, and those multifamily residential units containing more than four (4) dwelling units. A "multifamily residential unit" shall mean any building or structure of one (1) or more stories and any land appurtenant thereto in which individual units of dwelling space are intended to be occupied by persons living independently of each other. This definition shall include apartments, townhouses, duplexes, condominiums, cooperatives, and retirement communities.

DISPOSAL — The orderly process of discarding useless or unwanted materials.

GARBAGE — Animal or vegetable waste solids resulting from the cooking, handling, preparation or consumption of foods.

HAZARDOUS WASTE — All waste which is deemed to be chemical waste, hazardous waste, or infectious waste as defined by N.J.A.C. 7:26-1.4, and which shall include but not be limited to wastes which are flammable, corrosive or

explosive or which by themselves or in combination with other waste could be hazardous to life or property.

INDUSTRIAL SOLID WASTE — Solid waste originating from industrial processes and manufacturing or any other activity whereby an actual product is created.

INSTITUTIONAL ESTABLISHMENTS — Those facilities that house or serve groups of people, including but not limited to hospitals, schools, nursing homes, libraries and governmental offices.

NONRESIDENTIAL USER — Any type of commercial, industrial, or similar activity (whether or not operated for a profit) occupying premises within the township creating solid waste in any form.

RESIDENTIAL USER — Residents, occupants, tenants, or lessees, of a single family residential unit such as a home or trailer, or a multifamily residential unit containing fewer than four (4) dwelling units. A "multifamily residential unit" shall mean any building or structure of one (1) or more stories and any land appurtenant thereto in which individual units of dwelling space are intended to be occupied by persons living independently of each other. This definition shall include apartments, townhouses, duplexes, condominiums, cooperatives, and retirement communities.

§ 48-7. Administration.

- A. The Head of the Department of Public works shall be responsible for the administrative management of this chapter and the rules and regulations authorized.
- B. Enforcement of the chapter shall be the responsibility of the Barnegat Township Code Enforcement Officer or his designee.

ARTICLE III
Residential Garbage Collection

§ 48-8. Collection practices.

- A. Placement of receptacles. All garbage, refuse or rubbish to be collected shall be placed at the curb or within five (5) feet of the roadway. Only one (1) collection point shall be permitted. In the case of corner lots, containers shall be placed at the roadway most accessible to the collection vehicle or as directed by the Department of Public Works.

Additionally, automated trash receptacles shall be placed in front of the curb with a three (3) foot clearance from any other obstacle including but not limited to other containers, brush, bulk trash.

- B. Frequency of collection. All waste and recyclables shall be collected on a schedule as established from time to time by resolution duly adopted by the Barnegat Township Committee. All collections shall be made between 6:00 a.m. and 8:00 p.m. Waste designated for collection must be placed at the designated point prior to 6:00 a.m. and no sooner than twelve (12) hours before collection time. Empty containers must be removed no later than twelve (12) hours after the end of the collection day. The types of recyclables collected and the receptacles in which they shall be placed shall be controlled and regulated by the Recycling Ordinance of the Township of Barnegat.
- C. Where garbage collected. All garbage, refuse or rubbish to be collected in accordance with the provisions of this chapter shall be collected from properties fronting on public roadways. However, collection of these materials shall be extended to the Crosswinds Condominium roadways upon the aforesaid association's supplying the municipality with a hold harmless agreement in a form satisfactory to the township and its Attorney. This hold harmless agreement shall relieve the township from any responsibility for the association's roadway repair

and maintenance resulting from the use by township garbage trucks. All other provisions of this chapter shall be applicable to collection within the aforesaid association's property. However, the collection of these materials shall be extended to the roadways of all qualified private communities who do not receive reimbursement for such services of the township pursuant to N.J.S.A. 40:67-23.1 et seq.

§ 48-9. Receptacle requirements. [Amended 3-17-03 by Ord. No. 2003-01; 5-16-05 by Ord. No. 2005-31; 7-18-05 by Ord. No. 2005-44]

- A. Solid waste, (ID 10) shall be placed in thirty-two (32) gallon trash receptacles. Solid waste will be picked up from a thirty-two (32) gallon trash receptacle. No recycling is to be placed in the thirty-two (32) gallon trash receptacle, such as cardboard, newspaper, mixed paper and co-mingled glass and cans, and leaves. No construction debris is to be placed in trash containers.

§ 48-10. Waste acceptable for collection.

- A. Hazardous waste or any other materials likely to cause injury to any person or damage to equipment used in making collection is not acceptable for collection. The owner/tenant generating hazardous waste, etc., shall call the Department of Public Works for instructions for disposal of such materials, which shall follow D.E.P. guidelines.

§ 48-11. Responsibilities; noncompliance.

- A. Each container of garbage shall be placed on level ground or surface by the property owner, tenant or other person placing garbage for collection so that it does not easily upset.

- B. If any container of garbage is upset or overturned other than by township employees engaged in garbage and refuse collection, the property owner, tenant or other person placing garbage for municipal collection shall promptly clean up such spilled garbage and restore it to an approved receptacle.
- C. If any container of garbage is upset or overturned by a township employee, he shall immediately collect such garbage and dispose of same in the municipal vehicle.
- D. If any township employee observes a noncompliance with any regulations, he or she shall report the same to their immediate supervisor who shall in turn report the incident to the Head of the Public Works Department. If noncompliance precludes collection, notice of the reason shall be sent to the property owner, tenant or other person placing garbage for collection by the Head of the Public Works Department. Each instance of noncollection shall be reported daily to the Head of the Public Works Department by the person in charge of the particular municipal truck declining to make such a collection.

ARTICLE IV

Commercial Garbage Collection

§ 48-12. Responsibility of commercial establishments.

- A. The Township of Barnegat shall not collect any solid waste refuse from any commercial establishment within the Township of Barnegat.
- B. Bulk trash generated by any commercial and industrial establishments within the Township of Barnegat must be disposed of by the commercial establishment.
- C. Commercial establishments shall adhere to the enclosure provisions and design standards set forth in Section 55-151(H) of the Land Use Ordinances of the Township of Barnegat entitled "Garbage, Refuse and

§ 48-11. Waste acceptable for collection.

- A. Disposal of bulky waste items, commercial and industrial wastes shall be the responsibility of the producers or owners thereof; however, certain of these items will be picked up by the collector when special arrangements for pickup have been made with the Department of Public Works.
- B. Hazardous waste or any other materials likely to cause injury to any person or damage to equipment used in

Outside Storage". In addition all dumpsters and containers shall be appropriately covered. [Added 5-16-05 by Ord. No. 2005-31]

ARTICLE V
Penalties

§ 48-13. Violations and penalties.

Any person who violates any provision of this chapter for the first time may avoid a court appearance by pleading guilty and paying a fine of forty dollars (\$40.) at the discretion of the serving officer. Each subsequent offense shall be subject to a fine of not more than one thousand dollars (\$1,000.) for each separate offense and/or confinement in the county jail for a period of not more than ninety (90) days. In the case of a continuing violation or violations a fine of not more than five hundred dollars (\$500.) may be assessed for each day that said violation or violations continue unabated, until such time as said violation or violations are abated. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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ARTICLE V

Penalties

[Added 2-2-81 by Ord. No. 1981-4']

§ 48-17. Violations and penalties.

Any person who violates any provision of Articles III and IV of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500.) for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days. In the case of a continuing violation or violations, a fine of not more than five hundred dollars (\$500.) may be assessed for each day that said violation or violations continue unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

¹ Editor's Note: This ordinance also repealed former Art. V, Private Removal and Disposal.