

ORDINANCE NO. 2323

**AN ORDINANCE AMENDING CHAPTER XXVIII, SECTION 28-1 AND
28-2 OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING SOLID WASTE MANAGEMENT**

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey that Chapter XXVIII, Section 28-1 and Section 28-2 are hereby amended as follows:

SECTION 1:

28-1 COLLECTION AND PLACEMENT OF GARBAGE, TRASH LEAVES AND GRASS

28-1.1 Items Regularly Picked Up.

The following items will be picked up as a part of regular garbage pickup by the Borough of Roselle Park:

a. Branches. Branches (two (2) inch diameter or less) must be cut into lengths of four (4) feet or less and tied in bundles not to exceed fifty (50) pounds.

b. Grass clippings and vegetation debris shall be placed in standard (thirty two (32) gallon) garbage cans, or biodegradable bags. Overweight (more than fifty (50) pounds) or oversized larger than (thirty two (32) gallon) drums will not be picked up.

c. Borough Contractor Pickup. The following items will be picked up by the Borough Contractor:

Grass Clippings (Only) May-October on all Borough Roads: Picked up curbside according to the schedule. Place in open containers not to exceed thirty two (32) gallons or biodegradable bags (no plastic).

d. Leaves/Grass. Picked up in November and December (no debris). Leaves/grass are to be bagged, biodegradable bags only (no plastic) or placed into containers not to exceed thirty two (32) gallons. Leaves and grass in bags or containers can be left at curbside.

e. Leaf Collection. Sweeping, raking, blowing or otherwise placing leaves only that is not containerized at the curb or along the street is expressly prohibited. Placement of leaves at the curb or along the street at any time or in any other manner is a violation of this section. If such placement of leaves occurs, the party responsible for placement of the leaves must remove the leaves from the street or the party shall be deemed in violation of this section.
(1980 Code § 120A-1; Ord. No. 1479; New)

28-1.2 Construction Debris Generated by a Contractor.

It is the responsibility of a contractor who is performing work on a residence to arrange for the removal of all construction debris, including, without limitation, roofing, siding, masonry, lumber, kitchen cabinets, carpets and the like. (1980 Code § 120A-2; Ord. No. 1479)

28-1.3 Appointment for Pickup of Certain Materials.

The Borough will pick up and dispose of certain materials by appointment only. An appointment for the pickup shall be made prior to placing the debris at the curb.

- a. Logs are not to exceed four (4) feet in length or fifty (50) pounds.
(1980 Code § 120A-3; Ord. No. 1479; New)

28-1.4 Reserved.

28-1.5 Placement at Curb; Suitable Containers.

- a. With the exception of bulk waste (as defined in subsection 28-1.5d. below), no garbage or debris shall be placed at the curb for pickup prior to 7:00 p.m. on the evening preceding the scheduled pickup, except where the evening preceding the scheduled pickup falls on a Sunday, in which case the garbage or debris may be placed at the curb for pickup after 3:00 p.m.

- b. All garbage and debris within the Central Business District shall be placed at the curb on a daily basis between the hours of 8:30 a.m. and 9:30 a.m. on the morning of the scheduled pickup.

- c. Plastic bags of any type shall not be utilized as a suitable garbage container for purposes of this chapter.

- d. Bulk waste shall not be placed at the curb prior to 12:00 noon on the day prior to the scheduled pickup for bulk waste. The term "bulk waste," for the sake of this chapter, shall be defined as the "collection of the following materials: furniture, toys, storm windows, car tires (without rims), rugs, storm doors, doors, clothing, windows, wood fences, lawn furniture, carpeting and materials generated by the home owner from minor alterations and repairs made to the residential property. Expressly excluding the collection of the following materials: ashes, dirt, tree trunks, stumps, branches, pool filters, car tires with rims, railroad ties, rocks, stones, asphalt, concrete closed-top drums, automobile parts, appliances (refrigerators, washers, dryers, etc.), paint chemicals; and material resulting from demolition, alterations, or repairs to building or other structures not generated by the home owner (e.g., materials generated by a contractor) and not generated from pickup sites requiring permits.

(1980 Code § 120A-5; Ord. No. 1566; Ord. No. 1847; Ord. No. 2104)

28-1.6 Failure of Proper Placement.

The placement of garbage or debris at the curb that does not meet the size limitations or time restraints listed above will subject the property owner to a summons. (1980 Code § 120A-6; Ord. No. 1566)

28-1.7 Garbage Cans on Streets.

The leaving of garbage cans and ash cans or other garbage receptacles on the public streets for more than twelve (12) hours is hereby prohibited. (1980 Code § 136-4; Ord. No. 1566)

28-1.8 Violations and Penalties.

a. Any person, corporation, agent, servant or employee who shall violate the provisions of this section shall, upon conviction thereof, be punished by a fine of fifty (\$50.00) dollars for the first offense and, thereafter, for each additional separate violation thereof, a fine of no less than one hundred fifty (\$150.00) dollars nor more than five hundred (\$500.00) dollars.

b. Any person, corporation, agent, servant or employee who shall violate subsection 28-1.5d. shall, upon conviction thereof be punished by a fine of fifty (\$50.00) dollars for the first offense and shall not be required to appear in the Municipal Court, and thereafter for each subsequent conviction shall be punished by a fine of no less than one hundred fifty (\$150.00) dollars nor more than five hundred (\$500.00) dollars. Upon the plea of guilty to a first offense of subsection 28-1.5d., the defendant shall receive a notice indicating that a second and subsequent violation will require a court appearance and will be punished by a fine of no less than one hundred fifty (\$150.00) dollars and no more than five hundred (\$500.00) dollars. (1980 Code § 120A-7; Ord. No. 1566)

28-1.9 Enforcement.

The Police Department, Superintendent and Director of Public Works and the Anti-Litter Enforcement Officer of the Borough shall be responsible for the enforcement of this section. (1980 Code § 120A-8; Ord. No. 1566; Ord. No. 1780)

28-1.10 County Roads-Leaf Collection.

Sweeping, raking, blowing or otherwise placing leaves only that is not containerized at the curb of is expressly prohibited. All yard waste shall be placed in a trash can, not to exceed thirty two (32) gallons, or biodegradable bag (plastic bags absolutely prohibited) such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water. Placement of such leaves at the curb or along the street at any other time or in any other manner is a violation of this section. If such placement of leaves occurs, the party responsible for placement of the leaves must remove the yard waste from the street or the party shall be deemed in violation of this section. (1980 Code § 120A-11; Ord. No. 2164)

28-2 VEGETATIVE WASTE COLLECTION PROGRAM.

28-2.1 Purpose.

The purpose of this section is to establish a vegetative waste collection and disposal program in the Borough of Roselle Park to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. (1980 Code § 120A-9; Ord. No. 2164)

28-2.2 Definitions.

As used in this section:

Containerized shall mean the placement of yard waste in a trash can, not to exceed thirty two (32) gallons or biodegradable bag (plastic bags absolutely prohibited), such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.

Leaves shall mean leaves only.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, County or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

Vegetative Waste Shall mean all dead plant life, flowers, wood chips and shavings, fruits from trees, example – apples, pears, etc., small branches and twigs, grass cuttings, leaves or other vegetative plants or clippings; excluding large limbs and branches in excess of one inch diameter, tree trunks, stumps, and roots.

28-2.3 Reserved.

28-2.4 Enforcement.

The provisions of this section shall be enforced by the Superintendent and Director of Public Works, Code Enforcement Officer, or his/her designee, or the Roselle Park Police Department. (1980 Code § 120A-12; Ord. No. 2164)

28-2.5 Violations and Penalties.

a. Any person(s) who is found to be in violation of the provisions of this section shall, for the first violation, be issued a written warning. The service of the warning shall be considered complete by posting at the property a notice of violation.

b. A second violation at the property, regardless of any changes in ownership, shall subject the property owner to a minimum mandatory fine of not less than two hundred (\$200.00) dollars or not more than one thousand (\$1,000.00) dollars.

c. A third or subsequent violation at the property, regardless of any change in ownership, shall subject the property owner to a minimum mandatory fine of not less than five hundred (\$500.00) dollars, or not more than one thousand (\$1,000.00) dollars and/or imprisonment for a term not to exceed ninety (90) days, at the discretion of the court.

d. It shall be no defense for the property owner that a landscape contractor or other persons working for the owner placed the leaves or vegetative matter in violation of this section.

e. Nothing set forth herein shall preclude the enforcement authority from issuing a summons to any landscaper or other person working for the property owner for violating the

provisions of this section, except that a prior warning must have been served on the landscaper or persons doing the work. It shall be sufficient if the warning relates to a violation at any site within the Borough.

f. Nothing set forth herein shall preclude the court from convicting both a landscaper and a property owner, even if the property owner did not actively participate in the violation, so long as the property owner or tenant hired the landscape contractor or other persons for the purpose of clearing leaves.

g. If a property owner fails to abate a violation set forth in the written warning within forty-eight (48) hours of issuance of the warning, the failure shall constitute a separate violation, subjecting the property owner to the penalties for a second violation. Each day thereafter that the property owner fails to abate the condition shall constitute a separate offense.
(1980 Code § 120A-13; Ord. No. 2164)

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: January 20, 2011

Adopted:

Mayor

Attest: _____
Borough Clerk