

Chapter 250
SOLID WASTE

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[HISTORY: Adopted by the Mayor and Council of the Borough of Dunellen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Borough Recycling Plan
[Adopted 7-29-1987 by Ord. No. 5-87]

§ 250-1. Definitions.

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

ALUMINUM — Includes all recyclable aluminum cans.

ALUMINUM CANS — Non-foil food and beverage containers made entirely of aluminum.**[Added 1-16-1996 by Ord. No. 096.01]**

BRUSH — Branches, woody plants and other like vegetative material that do not exceed five inches in diameter and Christmas trees.**[Added 1-16-1996 by Ord. No. 096.01]**

CLEAN CORRUGATED CARDBOARD (i.e., nonfood containers) — Includes nonfood containers constructed of two pieces of paper with a corrugated center, i.e., appliance boxes, etc. The term does not include cardboard items made of chipboard such as shirt boxes, shoe boxes, milk cartons, cereal boxes, and all other similarly constructed items.

COMMINGLED CONTAINERS — Twenty-gallon plastic containers to be used by residents to place plastic containers, glass containers, aluminum cans and steel cans at curb for collection.**[Added 1-16-1996 by Ord. No. 096.01]**

CORRUGATED CARDBOARD — Boxes and packaging generally made from wood pulp and consisting of two smooth sides with a corrugated inner layer. Brown paper grocery bags are included in this category.**[Added 1-16-1996 by Ord. No. 096.01]**

GLASS — Includes all products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter, and all other materials commonly known as "glass," excluding, however, blue and flat glass commonly known as "window glass."

GLASS CONTAINERS — Bottles and jars in which food and beverages are packaged. The same may be transparent (clear) or translucent and/or tinted brown or green.**[Added 1-16-1996 by Ord. No. 096.01]**

LEAVES — Fallen leaves excluding brush and grass clippings.**[Added 1-16-1996 by Ord. No. 096.01]**

MIXED PAPER — Glossy inserts, magazines, junk mail, colored paper, computer paper, office paper and fine paper.**[Added 1-16-1996 by Ord. No. 096.01]**

MIXED-PAPER CONTAINER — A covered eight-gallon container in which residents will place mixed paper at the curb for collection.**[Added 1-16-1996 by Ord. No. 096.01]**

NEWSPAPER — Clean, dry newsprint generally a daily or weekly edition, along with any colored inserts such as comics or advertisements.**[Added 1-16-1996 by Ord. No. 096.01]**

PLASTIC CONTAINERS — Soda and other bottles made from PETE (SPI Code 1) and milk, water, laundry product and other bottles made from HDPE (SPI Code 2).**[Added 1-16-1996 by Ord. No. 096.01]**

RESIDENTS — Private, commercial and institutional residents that are required to recycle.**[Added 1-16-1996 by Ord. No. 096.01]**

SOLID WASTE — Includes all garbage and rubbish normally picked up at residences and commercial establishments by private cartmen.

STEEL CANS — Food and beverage containers made of steel and either tin-plated or lacquer-coated and including bimetal cans (ferrous can with an aluminum top).

TEXTILE BAG — Special bag used by residents for placing textiles at curb for collection. **[Added 1-16-1996 by Ord. No. 096.01]**

TEXTILES — Clean, dry clothing or other fabric measuring at least one foot by one foot in size. **[Added 1-16-1996 by Ord. No. 096.01]**

USED MOTOR OIL — Discarded petroleum based or synthetic lubricating oil from automobile and other sources. **[Added 1-16-1996 by Ord. No. 096.01]**

USED NEWSPAPER — Includes paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

USED PAPER — Includes all high-grade office paper, envelopes, printout sheets, etc. Expressly excluded, however, are all magazines or other periodicals, as well as other paper products of any other nature whatsoever.

§ 250-2. Mandatory recycling program established.

- A. For the purpose of recycling, on or after the date fixed and promulgated by regulation issued by the Mayor and Council of the Borough of Dunellen in accordance with the terms hereof, it shall be mandatory for all residents and nonresidents, who are owners, lessees or occupants of commercial or noncommercial structures located within the Borough of Dunellen, to separate used newspaper, used paper, clean corrugated cardboard, glass and aluminum cans from all other solid waste produced by any such person and deliver such items to the designated dropoff point in the Borough of Dunellen or a recycling center of their choice, or as the Mayor and Council shall direct by regulation as herein provided.
- B. There is hereby established a program for the mandatory separation of solid waste consisting of steel cans, plastic containers, mixed paper, textiles, brush, corrugated cardboard from residential, office and commercial sources, newspapers, aluminum cans, glass containers, leaves, motor oil and high-grade office paper from commercial sources. **[Added 1-16-1996 by Ord. No. 096.01]**

§ 250-3. Items designated for recycling.

The owner, lessee and occupant of any commercial or noncommercial structure located within the Borough of Dunellen shall separate and place for disposal or removal or collection or deliver to the designated dropoff point in the Borough the following items, which shall conform with the following regulations:

- A. Used newspaper, used paper, and clean corrugated cardboard shall be bundled separately using string or twine and secured in bundles not exceeding 50 pounds and shall not be contained in plastic or paper bags.
- B. Glass and aluminum cans shall be contained in suitable containers supplied by owners, lessees or occupants.
- C. Glass and aluminum containers shall be thoroughly rinsed before disposal, removal, collection or dropped off.

§ 250-4. Manner of separation and placement for removal. [Added 1-16-1996 by Ord. No. 096.01]

- A. The occupant or owner of any residence, business, institution or commercial building or store within the Borough shall, unless provided for in this article to the contrary, separate and place for removal

in the manner provided the following recyclables:

- (1) Newspaper and corrugated cardboard must be placed at the curb in segregated, tied bundles not greater than 12 inches in height.
 - (2) Mixed paper, including office paper, must be placed at curb in the mixed-paper container.
 - (3) Glass containers, aluminum cans, plastic containers and steel cans shall be commingled in a commingled container and placed at the curb.
 - (4) Textiles shall be segregated in the textile bag and placed at the curb.
 - (5) All residents shall separate, sort and recycle leaves, motor oil and brush in accordance with regulations promulgated by the designated agent of the municipality.
- B. All multifamily dwellings with five or more units, schools, public buildings and other institutions, where so directed by the Recycling Coordinator or other Borough agent, shall deposit the recyclables set forth in Subsection A in on-site containers provided by the Borough or its agents.
- C. The occupant and/or owner of any commercial, office or industrial building or other institution may demonstrate an alternative to the recycling program as set forth herein. Any such alternative program shall be submitted to the Recycling Coordinator or other designated agent of the municipality for approval. Until said approval is forthcoming, said owner/occupant shall comply with the provisions of this article.

§ 250-5. Recyclables become property of Borough at dropoff.

From the time of dropoff at the designated center of used newspaper, used paper, clean corrugated cardboard, glass and aluminum cans in accordance with the terms hereof, such used newspaper, used paper, clean corrugated cardboard, glass and aluminum cans shall be and become the property of the Borough of Dunellen or its authorized agent. It shall be a violation of this article for any person unauthorized by the Borough of Dunellen to collect or remove or cause to be collected or removed any such recyclables. Each such collection in violation hereof from any one or more sources shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 250-6. Recycling Coordinator; rules and regulations; agreements for collection.

- A. The mandatory recycling program shall be supervised by the Recycling Coordinator or such other person designated as the administrator. The Recycling Coordinator or other designated person shall have the authority to promulgate regulations concerning this program. **[Added 1-16-1996 by Ord. No. 096.01]**
- B. The Mayor and Council is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of used newspaper, used paper, clean corrugated cardboard, glass and aluminum cans in accordance with the terms hereof. The governing body may change, modify, repeal or amend any portion of said rules and regulations.
- C. The Borough Council may enter into any agreement as permitted by law with any other municipality, county or other body politic of the State of New Jersey for recycling collection. **[Added 1-16-1996 by Ord. No. 096.01]**

§ 250-7. Violations and penalties.

- A. Any person, firm or corporation who violates or neglects to comply with any provision of this article or any regulations promulgated pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding \$500, except that the maximum fine for failure to comply with §§ 250-2 and 250-3 hereof, and rules and regulations issued pursuant thereto, shall not exceed \$5. No enforcement of this article shall be made until five months after the effective date of regulations authorized to be promulgated hereunder.
- B. Noncompliance by any person or entity with the other requirements of the chapter, including failure to separate those materials herein made the subject of mandatory recycling, shall receive, for the first offense, a notice of violation and for the second offense, a warning that any additional violations may result in the filing of a complaint in Municipal Court wherein all such subsequent violations may result in a fine not exceeding \$500 or imprisonment for a period not to exceed 30 days or both for such subsequent offense. **[Added 1-16-1996 by Ord. No. 096.01]**

§ 250-8. Institution of action by Recycling Coordinator.

It shall be the duty of the Recycling Coordinator or his authorized designee to enforce all of the provisions of this article. Upon his becoming aware of any violation of any provision of this article, the Recycling Coordinator or his authorized designee shall institute such action as may be necessary to terminate the violation including issuing a summons to appear in the Dunellen Borough Municipal Court or any other appropriate tribunal.

§ 250-9. Duty to notify residents of program. [Added 1-16-1996 by Ord. No. 096.01]

The Borough Administrator and Director of Public Works shall in conjunction with the Recycling Coordinator develop and disseminate to all residents a summary of the general provisions of this article and or all county-wide recycling programs and services, including but not limited to an itemization of recyclables to be source separated, the manner of separation, location and the schedule for collection.

ARTICLE II
County Recycling Plan
[Adopted 1-16-1996 by Ord. No. 096.03]

§ 250-10. Definitions.

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

AGREEMENT — This agreement for the provision of recycling and marketing services, executed by and between the Authority and the municipality.

ALUMINUM CANS — Food and beverage containers made entirely of aluminum.

AUTHORITY — The Middlesex County Improvement Authority, a public body corporate and politic of the State of New Jersey, organized by the county pursuant to the County of Improvement Authorities Law (N.J.S.A. 40:37A-44 et seq.)

AUTHORITY-COLLECTED RECYCLABLES — The following designated recyclables generated within the geographic boundaries of the municipality: newspaper, glass containers, aluminum cans, corrugated cardboard from residential and commercial sources, steel cans, plastic containers, mixed paper and textiles.

BOARD — The Board of Chosen Freeholders of the County of Middlesex, New Jersey.

BRUSH — Branches, woody plants, and other like vegetative material that do not exceed five inches in diameter, and Christmas trees. Brush does not include leaves and grass clippings.

COMMENCEMENT DATE — The date upon which the Authority and the municipality agree that the Authority, through its contractor, will commence the provision of recycling services.

COMMINGLED CONTAINERS — Twenty gallon, plastic containers to be used by the Residents to place plastic containers, glass containers, aluminum cans and steel cans at the curb for collection by the contractor, or such other container designated by the Authority for such use.

CONTRACTOR — The contractor selected by the Authority to provide the recycling services pursuant to the recycling contract.

CORRUGATED CARDBOARD — Boxes and packaging generally made from wood pulp and consisting of two smooth sides with a corrugated inner layer. Brown paper grocery bags are included.

COUNTY — The County of Middlesex, New Jersey.

COUNTY PLAN — The Middlesex County District Solid Waste Management Plan, adopted by the Board pursuant to the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), which provides for the collection, disposal and/or recycling of solid waste generated within the geographic boundaries of the county, as the same may be amended from time to time.

COUNTY-WIDE RECYCLING PROGRAM — The collection and marketing program for authority-collected recyclables established by the county and the Authority for all participating municipalities in the county and funded, in part, with RRIT funds allocated for this purpose.

DEP — The New Jersey Department of Environmental Protection or any successor agency.

DESIGNATED RECYCLABLES — All recyclable materials that are designated by the county in the county plan as materials that must be source-separated from municipal solid waste at the point of generation. On the date of execution of this agreement, the recyclables designated by the county in the county plan from residential (including multifamily), commercial, industrial and institutional, governments and office parks are newspaper, aluminum cans, glass containers, corrugated cardboard, steel cans, plastic

containers, mixed paper, textiles, leaves, motor oil, and brush. The county may add or delete certain recyclable materials to designated recyclables from time to time pursuant to a duly adopted amendment to the county plan approved by the DEP.

GLASS CONTAINERS — All glass containers used for packaging food or beverages.

JUNE 2, 1994, AMENDMENT — The amendments to the county plan (Nos. 1994-2 and 1994-3), adopted by the Board on June 1, 1994, that, among other things, establishes the county-wide recycling program.

LEAVES — Fallen leaves excluding brush and grass clippings.

MIXED PAPER — Glossy inserts, magazines, junk mail, colored paper, computer paper, office paper and fine paper.

MIXED-PAPER CONTAINER — A covered fourteen-gallon container in which residents will place mixed paper at the curb for collection by the contractor, or such other container designated by the Authority for such purpose.

MOTOR OIL — A petroleum-based or synthetic oil whose use includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

MUNICIPALITY — The Borough of Dunellen, a municipal corporation of the State of New Jersey.

MUNICIPAL SOLID WASTE — I.D. Type 10 waste as defined by N.J.A.C. 7:26-2.13(g)(1)(i).

NEWSPAPER — Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

PLASTIC CONTAINERS — Soda bottles made of PETE (SPI Code No. 1) and milk, water and laundry product bottles made of HDPE (SPI Code No. 2).

RECYCLING ORDINANCE — Ordinance Nos. 5-87 and 96.01 of the Borough of Dunellen (Article I of this chapter), the ordinance enacted by the municipality establishing the mandatory municipal recycling program implemented in accordance with the Solid Waste Management Act and the county plan, as the same will be amended by the municipality to include the additional designated recyclables as set forth in Ordinance Nos. 96.01 (amendment to Article I) and 96.02 (this Article II), and as the same may be amended in the future from time to time for other purposes.

RECYCLING SERVICES — All of the duties, obligations, and services to be provided by the contractor that are related to the collection, transportation, separation, processing, storage, sale or disposition, or any combination thereof, of the Authority-collected recyclables and the return of same to the economic mainstream in the form of raw materials or products.

RESIDENTS — Private, commercial and institutional residents of the municipality that are required to recycle designated recyclables pursuant to the Recycling Ordinance.

STEEL CANS — Tin-plated, bimetal and other ferrous food and beverage containers.

TEXTILE BAG — A special bag to be provided by the Authority for the collection for textiles, or such other container to be designated by the Authority for such purpose.

TEXTILES — Clean, dry clothing or other fabric measuring at least one foot by one foot in size.

§ 250-11. Items mandated for recycling.

All residents of Borough of Dunellen shall recycle, or cause to be recycled, the following categories of

recyclables:

- A. Newspaper.
- B. Aluminum cans.
- C. Glass containers.
- D. Plastic containers.
- E. Steel cans.
- F. Corrugated cardboard.
- G. Mixed paper.
- H. Textiles.
- I. Motor oil.
- J. Leaves.
- K. Brush.

§ 250-12. Adoption of county plan; responsibility of Borough.

Pursuant to the Recycling Act, each resident of the Borough of Dunellen shall be required to comply with the recycling plan of the Borough of Dunellen, adopting the Middlesex County recycling plan, to meet the state-mandated recycling goals. To effectuate and implement the Borough recycling plan, it is hereby required that:

- A. The Borough of Dunellen hereby adopts this section to provide for recycling within its borders pursuant to the Recycling Act adopting herein the Middlesex County recycling plan as its official municipal recycling program; and
- B. All residential and commercial contracts for solid waste collection and/or disposal within the Borough of Dunellen shall be consistent with this section and the Middlesex County recycling plan.
- C. The Borough of Dunellen shall heretofore provide for a collection system for leaves generated from residential premises, and require that persons occupying residential premises within these municipal boundaries shall source-separate leaves from solid waste generated at those premises and, unless leaves are stored or recycled for composting or mulching by the generator, place the leaves for collection in the manner provided in Article I of this chapter.
- D. The Borough of Dunellen shall heretofore provide for a collection system for brush generated from residential premises within these municipal boundaries. Brush shall be source-separated from solid waste generated at those premises, and the brush placed for collection in the manner provided in Article I of this chapter.
- E. The Borough of Dunellen shall, at a minimum, within 30 days after the adoption of this section and at least once every six months thereafter, notify all persons occupying residential, commercial, and institutional premises within these municipal boundaries of recycling opportunities and the source separation requirements of its ordinance and the Middlesex County recycling plan. In order to fulfill the notification requirements of this subsection, this municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where

public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

- F. The Borough of Dunellen shall prepare and distribute additional literature and other educational materials describing, among other things, the municipal recycling program established pursuant to the Recycling Ordinance; the County-wide recycling program and the recycling services to be provided within the geographic boundaries of the municipality; the designated recyclables to be source-separated; the manner or method of preparing source-separated material for collection; and the location and schedules for collection. All such literature and other educational materials shall be prepared in accordance with written guidelines established by the Authority and shall be approved by the Authority prior to distribution.
- G. On the commencement date, the Authority will cause the contractor to commence the provision of recycling services for the Authority-collected recyclables for all residents. The Authority-collected recyclables shall be collected by the contractor at curbside at:
 - (1) All single-family or duplex residential locations.
 - (2) All multifamily dwellings with four or fewer units, and all small businesses. All multifamily dwellings with five units, schools, public buildings, hospitals and other institutions shall deposit the Authority-collected recyclables in on-site containers to be provided by the contractor.
- H. The contractor shall collect Authority-collected recyclables on a biweekly basis. Collections will occur Monday through Friday and, at the contractor's option, on Saturday, except for legal holidays, between the hours of 7:00 a.m. and 6:00 p.m.
- I. At the time of placement of recyclable materials designated for collection by the recycling plan of the Borough of Dunellen at the curb or street side of residential units, said materials shall be considered the sole property of the Middlesex County Improvement Authority and shall be considered a conscious contribution by that resident to the county recycling system for collection by the Middlesex County Improvement Authority or its agent.
- J. Scavenging is prohibited (except by approval of town and MCI).

§ 250-13. Method of separation and preparation for collection.

- A. The contractor will be responsible for collecting at the curbside only Authority-collected recyclables that have been separated and prepared for collection as follows: newspaper and corrugated cardboard must be placed at the curb in segregated, tied bundles with string or card only (no wire or tape) not greater than 12 inches in height; mixed paper, including office paper, must be placed at the curb in the mixed-paper container; glass containers, aluminum cans, plastic containers and steel cans shall be commingled in a commingled container; and textiles shall be segregated in the textile bag. Any Authority-collected recyclables that are not prepared for collection in this manner will be left at the curb by the contractor.
- B. The Borough will be responsible for collecting leaves and brush at the curb.
 - (1) Leaves shall be placed between the sidewalk and the curb for pickup. Leaves containing branches, vines, grass clippings and other debris will not be picked up by the Borough.
 - (2) Brush. The Borough will collect tree branches, shrubbery, other yard clippings and Christmas trees (when appropriate) on or about the third Wednesday of every month. Residents must notify

the Public Works Department of requests for chipping services by the Monday before the third Wednesday of the month. Materials should be tree branches and shrub branches preferably longer than three feet. All materials should be stacked at the curb or as near to the curb as possible. Hedge clippings, twigs, small branches less than three feet (but not less than one foot) must be bundled with string only (no wire) and must be free of foreign debris, such as stones, dirt, metal, sweepings and rakings. No lumber, construction materials or roots are permitted. All material to be chipped should be placed at the curb by 8:00 a.m. on the collection day. Any material placed at the curb that does conform with these specifications will not be picked up by the Borough.

§ 250-14. Enforcement.

The enforcement of the recycling plan of the Borough of Dunellen shall be provided individually and severally by the Borough of Dunellen with regard to enforcement of this article, and/or by the Borough's duly authorized agent and/or the New Jersey Department of Environmental Protection.

§ 250-15. Violations and penalties.

Any resident of the Borough of Dunellen who is found to have violated the provisions of this article shall be subject to the following procedures and penalties:

- A. A warning on the first three occasions that said article is violated, and thereafter;
- B. A fine up to \$500 per day of violation depending upon the extent of and circumstances of the violation to be assessed pursuant to N.J.S.A. 13:1E-9 by the duly authorized municipal officer or his designee, as authorized hereby and pursuant to the inclusion of this section within the Middlesex County Solid Waste Management Plan.

ARTICLE III
Dumpsters and Refuse Containers
[Adopted 6-21-2010 by Ord. No. 2010-06]

§ 250-16. Purpose.

The purpose of this article is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibit the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Dunellen and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 250-17. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Dunellen or other public body, and is designed and used for collecting and conveying stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

REFUSE CONTAINER — Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 250-18. Prohibited conduct.

- A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Dunellen.

§ 250-19. Exceptions to prohibition.

- A. Permitted temporary demolition containers.

- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 250-20. Enforcement.

This article shall be enforced by the Police Department, the Code Enforcement Officer, the Construction Office and any other appropriate municipal official of the Borough of Dunellen.

§ 250-21. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$250.