

Chapter 281. Solid Waste

Article I. Garbage and Refuse Regulations

[Adopted 7-23-1969 as Ch. 65, Art. I, of the 1969 Code]

§ 281-1. Definitions; word usage.

[Amended 5-12-2010 by Ord. No. 10-2010]

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:

COMBUSTIBLE WASTE

Yard trimmings, rags, waste wood or cardboard and other combustible waste solids of a volatile or explosive nature. Grass clippings are not "combustible waste" as defined herein.

GARBAGE

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

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 Eatontown or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

NONCOMBUSTIBLE WASTE

All solid waste material which does not burn.

PERSON

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

REFUSE

Garbage, combustible and/or noncombustible waste solids.

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.

§ 281-2. Grass clippings.

[Added 4-8-1992 by Ord. No. 9-92]

It shall be unlawful to include grass clippings as refuse, garbage or trash to be picked up for collection or disposal in landfills, transfer stations or incinerators.

§ 281-3. Refuse receptacles.

[Amended 5-12-2010 by Ord. No. 10-2010; 8-11-2021 by Ord. No. 21-2021; 12-8-2021 by Ord. No. 30-2021]

The owner, agent, lessee, tenant or occupant of every dwelling or other premises, except multidwelling units or industrial premises, where refuse accumulates shall be provided one plastic refuse receptacle at no charge by the Borough of Eatontown for receiving and holding refuse. The Borough shall provide a second refuse receptacle to those owners, agents, lessees, tenants or occupants of such dwellings who request one at cost to the Borough which shall not exceed \$70 per container. There shall be no charge to replace a damaged refuse receptacle. 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. 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 Eatontown.

A. The following are exempt from the above:

- (1) Permitted temporary demolition containers.
- (2) Litter receptacles (other than dumpsters or other bulk containers).
- (3) Individual homeowner trash and recycling containers.
- (4) Refuse containers at facilities authorized to discharge stormwater under a valid National Pollutant Discharge Elimination System (NPDES) permit.
- (5) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

B. There shall be at least two receptacles for each restaurant, market, store or similar business establishment where the aforesaid refuse shall accumulate.

C. Each receptacle for use at a single residence shall have a capacity of not more than 96 gallons and be equipped with a pull handle or handles. No single residence be equipped with more than two plastic refuse receptacles supplied by the Borough.

D. Receptacles for refuse from multi-dwelling units or industrial premises may have a greater capacity than that described in Subsection **C** hereof, provided they are:

- (1) Watertight.

- (2) Constructed of metal or plastic.
 - (3) Equipped for handling motorized equipment.
 - (4) Cleaned and sanitized as needed after emptying.
 - (5) Replaced by the same type of receptacle if removed for emptying.
- E. Receptacles that are badly broken, or otherwise fail to meet the requirements of this section, may be classed as refuse and collected and disposed of as such or replaced by the person or agency responsible for the collection of refuse.
 - F. Receptacles of refuse shall not be set out for collection except for any time after 6:00 p.m. the evening before your scheduled pickup and no later than 6:00 a.m. the morning of the scheduled pickup.
 - G. Receptacles shall be conveniently located on premises for storage of refuse and maintained in such manner as to prevent creation of a nuisance or menace to public health.
 - H. This section shall be enforced by the Eatontown Special Code Enforcement Officer.
 - I. Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$200.

§ 281-4. Preparation of refuse for collection.

- A. Garbage shall be thoroughly and completely drained of all liquids, wrapped securely in paper and placed in a receptacle as described in § **281-3** hereof.
- B. Noncombustible waste shall not be mixed with other refuse when prepared for disposal by incineration.
- C. (Reserved)^[1]
 [1] *Editor's Note: Former Subsection C, regarding the bundling of paper, was repealed 3-10-2010 by Ord. No. 05-2010.*
- D. Combustible waste shall be stored and held in receptacles separate and apart from noncombustible waste when prepared for disposal by incineration.
- E. Combustible or noncombustible waste of such a nature that it cannot be deposited in a receptacle shall be securely and properly tied into bundles or packages to prevent spilling or scattering. The bundles or packages shall be of a size and weight to permit ease of handling by one man.
- F. Refuse prepared for collection should be packaged or otherwise assembled in quantities weighing not more than 50 pounds.

§ 281-5. Business establishments.

The owner, agent, lessee, tenant or occupant of any premises whereon a business or industry is conducted shall arrange for the removal of refuse from business or industry each day, unless sufficient and suitable facilities are provided and used for storage of such refuse until removal of the refuse from the premises.

§ 281-6. Refuse disposal.

Refuse shall be disposed of only through use of sanitary landfills established, conducted, operated and maintained in accordance with standards established by the State Board of Health and/or incinerators constructed, operated and maintained in accordance with standards established by the State Department of Health, and code or regulation of the New Jersey Air Pollution Control Commission or other methods of disposal as may be permitted by code or regulation of that Commission.

§ 281-7. Hours; vehicles.

[Amended 10-14-2020 by Ord. No. 15-2020]

- A. Persons engaged in the business of collecting solid waste and/or recyclable materials from dumpster receptacles shall only collect those items between the hours of 7:00 a.m. and 7:00 p.m. This section shall not apply to Borough employees or collectors who are collecting under authority of a contract with the Borough of Eatontown which provides for different hours of operation.
- B. Vehicles used for the purpose of collecting refuse from receptacles as prescribed by the provisions of this code shall be loaded in such fashion that no part of the contents shall fall, leak or spill therefrom. Each such vehicle shall be adequately and tightly covered.

§ 281-8. Violations.

The storage, collection or disposal of refuse in violation of any provision of §§ **281-3**, 4, 5 and 6 of this code is hereby declared to be a nuisance and detrimental to public health.