

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 281, "SOLID WASTE", ARTICLE I "GARBAGE AND REFUSE REGULATIONS", SECTION 281-3 OF THE BOROUGH CODE ENTITLED "REFUSE RECEPTACLES" AUTHORIZING A FEE TO RECOVER THE COST FOR A SECOND REFUSE RECEPTACLE AND CLARIFYING THE REQUIREMENTS CONNECTED WITH THE USE OF REFUSE RECEPTACLES

**WHEREAS**, the Borough currently supplies one refuse receptacle free of charge to its residents to facilitate the collection of solid waste from its residences; and

**WHEREAS**, the Borough wants to make a second refuse receptacle available to residents that seek a second one solely at its cost so as not to burden its taxpayers and residences; and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to update the Borough Code related to solid waste collection and to establish a fee in the Borough Code which makes the taxpayers whole for residents who seek to acquire a use a second refuse receptacle for solid waste collection in conformance with the recommendations of the Department of Public Works.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 281, "Solid Waste", Article I "Garbage and Refuse Regulations", and Section 281-3 of the Borough Code entitled "Refuse Receptacles" as follows:

(additions are underlined deletions are ~~stricken~~):

**Section 281-3 Refuse Receptacles**

The owner, agent, lessee, tenant or occupant of every dwelling or other premises, ~~except multi-dwelling units or industrial premises, where refuse accumulates shall provide and keep on such premises watertight metal or plastic receptacles with tight-fitting covers for receiving and holding the aforementioned refuse~~ be provided 1 (one) plastic refuse receptacle at no charge by the Borough of Eatontown for receiving and holding the aforementioned 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 \$70.00 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.

The owner, agent, lessee, tenant or occupant of every dwelling or other premises where refuse accumulates shall provide and keep on such premises watertight metal or plastic receptacles with tight-fitting covers, for receiving and holding the aforementioned refuse. 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-B (No changes)

C. Each receptacle for use at a single residence shall have a capacity of not more than ~~30~~ 96 gallons and be equipped with a pull handle or handles. No single residence be equipped with more than 2 (two) plastic refuse receptacles supplied by the Borough.

D. No change.

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 ~~during the hours of the day or days scheduled for collection of refuse, or the evening before~~ for any time after 6:00 pm the evening before your scheduled pick up and no later than 6:00 am the morning of the scheduled pick up.

(G-I)-No changes.

**BE IT FURTHER ORDAINED** by the Borough Council that should the cost of a second refuse container for an owner, agent, lessee, tenant or occupant of any dwelling, except multi-dwelling units or industrial premises exceed \$70.00 per container, the Borough Council may adopt a Resolution updating the charge to reflect the actual Borough cost for such a container.

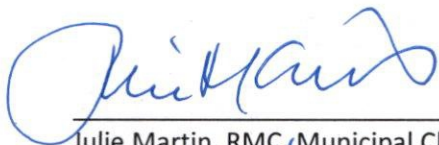
**BE IT FURTHER ORDAINED**, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

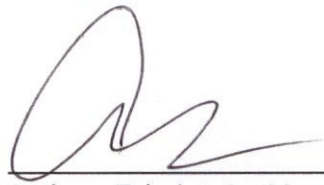
Date INTRODUCED: November 4, 2021  
Date ADOPTED: December 8, 2021

ATTEST:

APPROVED:



Julie Martin, RMC, Municipal Clerk  
Date: 12/9/2021



Anthony Talerico, Jr., Mayor