

**CITY OF HACKENSACK
ORDINANCE NO. 09-2024**

**AN ORDINANCE AMENDING CHAPTER 93 OF THE
CODE OF THE CITY OF HACKENSACK, “GARBAGE,
RUBBISH AND REFUSE,” TO CLARIFY
RESPONSIBILITY FOR COMPLIANCE WITH THE
PROVISIONS CONTAINED THEREIN**

WHEREAS, the City’s regulations relating to garbage, rubbish and refuse are set out in Chapter 93 of the Code of the City of Hackensack; and,

WHEREAS, the City Council has been advised by its professionals that clarification regarding the joint and several responsibilities for owners, tenants and other applicable parties to comply with the regulations contained in Chapter 93, as well as confirming the duty of occupants to report unauthorized dumping in front of their properties, will aid in the effective enforcement of those regulations, and believes such clarification is necessary and warranted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1:

Chapter 93, Section 4 of Code of the City of Hackensack, “Enforcement,” is renamed “Duties and Enforcement,” and is hereby amended to now read as follows (additions by underline):

§ 93-4 **Duties and Enforcement.**

- A. Except where specifically otherwise provided herein, owners, agents of owners, managing agents and superintendents shall each have the duties imposed by this article. No person shall be relieved from any duty herein by reason of the fact that an occupant or other person shall have the same or similar duties or shall have failed to report a violation; nor shall any person be relieved of liability by the terms of any lease or agreement.

- B. An occupant shall be liable for violations of this article to the extent that he or she has the power to prevent a violation or assist in abating a violation. Occupants shall be deemed to have the power to abate a violation if the violation is caused by their own act or the act of a member of their family or household or their guests.

- C. The Division of Sanitation of the Department of Public Works within the City of Hackensack along with those inspectors designated by the City Manager shall be the enforcement authority charged with the responsibility of enforcing the provisions of this article.

Section 2:

Chapter 93, Section 7 of Code of the City of Hackensack, “Collection Regulations,” is hereby amended to now read as follows (additions by underline):

§ 93-7 Collection Regulations.

A. In general. [NO CHANGES].

B. Material preparation. [NO CHANGES].

C. Containers regulated; provision of containers; maximum pickup; exceptions. [NO CHANGES].

D. Collection.

(1) Collection shall be on such days and at such times and hours as shall be designated by the City Manager. The frequency of garbage collection shall be no less than once per week.

(2) Except as otherwise provided herein, all materials shall be set out for collection at the curb no earlier than 6:00 p.m. on the night before the scheduled collection, and all receptacles shall be returned to an appropriate storage area by 8:00 p.m. on the day of collection.

(3) Receptacles shall not be stored within the required side or rear yards established in Chapter 175 of the Code, unless properly screened from the adjacent property. Any receptacles stored in the front yard shall be screened from public view by an appropriate enclosure, fence or evergreen planting.

(4) In order to assure that all the residents seeking disposal of heavy trash items and garden refuse can be serviced once a week, there shall be no more than two large items of furniture or two cubic yards of miscellaneous debris or garden refuse placed at the curb for collection for any one weekly collection day.

(5) Occupants shall have an affirmative duty to promptly report to the Department of Public Works in person at its offices, via telephone, or via an electronic mail address that shall be established by the Department of Public Works and publicized on the City's website, in the event that any garbage, rubbish, garden refuse, recyclable materials or heavy trash has been placed outside of the occupant's property for collection without the occupant's authorization. If an occupant fails to do so, in the event of a violation of any provision of this article, the City shall be entitled to a rebuttable presumption that the occupant of the property is personally responsible for the violation.

E. Acts prohibited. It shall be unlawful. [NO CHANGES].

F. Non collectible items. [NO CHANGES].

Section 3:

The remainder of Chapter 93 of the Code of the City of Hackensack shall remain unchanged.

Section 4:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6:

Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 7:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: February 20, 2024
Adopted: March 5, 2024

ATTEST:

CITY OF HACKENSACK

By: _____
Deborah Karlsson, City Clerk

By: _____
John P. Labrosse Jr., Mayor