

ORDINANCE 2021-10  
AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE BOROUGH  
OF WASHINGTON ENTITLED GARBAGE, RUBBISH AND RECYCLING  
COLLECTION

WHEREAS, an initiative petition concerning solid waste collection in the Borough of Washington has been certified by the Borough Clerk pursuant to N.J.S.A. 40:69A-184, *et seq.*;

WHEREAS, said petition is attached hereto as Exhibit A.; and

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Washington, County of Warren, State of New Jersey, that Chapter 47 of the Code Of the Borough of Washington be repealed and replaced in its entirety by the following ordinance:

**Chapter 47. Garbage, Rubbish and Refuse**

§ 41-1. Short Title  
No change

§ 47-2. Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**ALUMINUM CANS**

All aluminum containers used for soda, beer and other beverages.

**ANTIFREEZE**

All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

**ASPHALT ROOFING MATERIAL**

Shingles and tar paper made of asphalt and used for roofing.

**AUTOMOTIVE BATTERIES**

Wet-cell lead-acid batteries from automobiles, trucks, motorcycles} tractors and lawn mowers.

**COMMERCIAL AND INDUSTRIAL WASTES**

The by-products of building contractors or demolition contractors engaged in the business of the repair and construction of homes or other buildings or structures; by-products or waste or any manufacturing plant; all items traded in as merchandise from commercial retailers and repair services; automobiles and vehicles or parts thereof.

**COMMERCIAL USE**

An activity involving the sale of goods or services carried out for profit.

**CO-MINGLED RECYCLABLES**

Glass bottles and jars, aluminum cans, bimetal cans, tin cans and plastic bottles.

## **CORRUGATED CARDBOARD**

Cardboard of the type used to make boxes and cartons, with two outer layers and a waffle inner layer, and brown-paper (kraft) paper bags.

## **DEMOLITION WASTE**

Untreated wood, bricks, concrete, tree stumps, asphalt, pallets and land-clearing debris.

## **DESIGNATED RECYCLABLE MATERIALS**

Those materials designated within the current Warren County District Solid Waste Management Plan to be source-separated for the purpose of recycling. These materials include:

### **Designated Traditional Materials**

Aluminum cans  
Computer paper  
Glass bottles and jars - three colors (clear, green and brown)  
Corrugated cardboard  
High-grade office paper - white  
Magazines and mixed paper  
Newsprint  
laser and inkjet cartridges  
Plastic bottles: PETE - clear and green (Type 1);  
HOPE - clear and colored (Type 2)  
Household batteries as identified in the County Plan  
Steel cans/tin cans

### **Designated Non-traditional Materials**

Antifreeze  
Asphalt and concrete pavement, concrete bricks  
Automotive batteries (lead acid)  
Carpet  
Computers  
Flourescent tubes  
laser and inkjet cartridges  
Plastic bottles: PETE - clear and green (Type 1);  
HOPE - clear and colored (Type 2)  
Household batteries as identified in the County Plan  
latex paint  
leaves and yard waste (brush, tree parts)  
Nontreated wood  
Oil filters  
Propane tanks  
Scrap metals (including junked autos)  
Source-separated metal  
Stumps  
Textiles/clothing  
Tires  
Used motor oil  
White goods (large appliances)

## **ELECTRONIC WASTE**

A computer central processing unit and associated hardware, including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

## GARBAGE

All refuse, entrails and waste of animals and fish and all vegetable matter which has been or was intended to be used as food; all clam, oyster, crab and lobster shells; and all other material so specified by the State of New Jersey.

## GLASS CONTAINER

All bottles and jars made from silica or sand, soda ash and limestone, the product being transparent or semitransparent, with or without color, excluding, however, blue and flat glass, window glass, mirror glass, plate glass, crystal, stemware and light bulbs.

## HIGH-GRADE OFFICE PAPER

White bond, copier, computer or ledger paper made from wood fibers. Excluded from this category are envelopes, colored paper, carbon paper, magazines, newspapers, cardboard, glossy papers.

## HOUSEHOLD BATTERIES

Any chargeable or nonchargeable dry-cell batteries.

## LATEX PAINT

Paint with a water base.

## MAGAZINE AND MIXED PAPER

All paper periodicals and catalogs and colored paper, envelopes and junk mail, excluding plastic, cardboard, telephone books and carbon paper.

## MISCELLANEOUS RECYCLABLE MATERIALS

Includes materials which would otherwise be classified as solid waste, are not otherwise defined in this chapter, and are documented as being recycled. It currently is limited to: carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes.

## MULTIFAMILY DWELLING

Any building or structure or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJ.S.A. 13:1E-99.13a) and shall include hotels, motels or other guest houses serving transient or seasonal guests as those terms are defined under subsection U) of section 3 of the "Hotel and Multiple Dwelling law," P.L. 1967, c. 76 (NJ.S.A. 5S:13A-1 et seq.).

## MUNICIPAL GARBAGE, RUBBISH AND RECYCLING COORDINATOR (GRR COORDINATOR)

The person or persons appointed by the municipal manager and who shall be authorized to enforce the provisions of this chapter and any rules and regulations promulgated hereunder.

## MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of the Borough of Washington which is not bulky waste or construction and demolition debris.

## NEWSPAPERS

Includes a cheap paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, and having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines, periodicals, newsletters, hard-covered books and catalogs, as well as other paper products of any nature, are not considered newspapers.

## OIL FILTERS

A detachable device in a motor vehicle which is part of the lubrication system of an internal

combustion engine used to decontaminate oil that contains suspended impurities.

#### **PERSON**

Any person, firm, partnership, association, corporation, company or organization of any kind.

#### **PLASTIC CONTAINERS**

Polyethylene terephthalate containers (PET), high-density polyethylene containers (HDPE), polyvinyl chloride containers (PVC) and polypropylene containers (PP).[1]

#### **RECYCLABLE MATERIALS**

Those materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

#### **REFUSE or RUBBISH**

All solid wastes, exclusive of vegetative wastes and recyclable materials, consisting of both combustibles and non-combustibles, such as paper, wrappings, cardboard, tin cans, rags, glass and other solid waste of a nonvolatile or explosive nature, except commercial and industrial wastes.

#### **SCRAP METALS**

Ferrous and nonferrous metals, including junked automobiles.

#### **SOURCE-SEPARATED RECYCLABLE MATERIALS**

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

#### **SOURCE SEPARATION**

The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

#### **STEEL CANS**

All disposal cans made of tin, steel or a combination of ferrous metals, including but not limited to containers commonly used for the storage of food products.

#### **TEXTILES**

##### **TIRES**

Used clothing, bedding materials, curtains and draperies and other items made from cloth or cloth-like fabric.

Tires from automobiles, motorcycles, trucks, tractors and bicycles.

##### **VEGETATIVE WASTES**

Includes all leaves, grass and hedge clippings, straw, thatch, tree branches not greater than four inches in diameter, plant stems and roots, tree stumps not greater than 50 pounds in weight, shrubbery and other similar material not meant for human consumption.

##### **WASTE Oil**

Oil drained from vehicle crankcases.

##### **WHITE GOODS**

Appliances such as washers, dryers, refrigerators, stoves, dishwashers, air conditioners, trash compactors, water softeners and water heaters.

§ 47-3. Collection by Borough.

Garbage and refuse, except commercial and industrial wastes, accumulated in the Borough shall be collected, conveyed and disposed of by the Borough or its duly authorized contractor for such purposes (hereinafter collectively referred to as the "collector") in strict compliance with the provisions of this chapter and any other applicable law, rule, regulations, contract or ordinance.

§ 47-4. Collection by producers or owners.

This chapter shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse or from contracting with rubbish contractors, provided such producers or owners comply with the provisions of this chapter and with any other applicable law, rule, regulation or ordinance.

§ 47-5. Residential dwelling and commercial establishment compliance requirements.

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A. Residential dwelling compliance requirements.

(1) The owners/occupants of single-family and two-family dwellings shall be responsible for compliance with this chapter.

(2) For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the designation of a building/complex recycling coordinator who will oversee the recycling system which includes the collection of recyclable materials.

(3) Violations and penalties notices will be directed to the owner, occupant or management in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and annually their occupancy.

B. Commercial establishment compliance requirements.

{ 1) All commercial, business or industrial facilities shall be required to comply with the provisions of this chapter.

(2) The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or his designee} unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

(3) Annually, every business, institution or industrial facility shall report to the GRRC Coordinator the recycling activities undertaken at its premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. The forms to be used will be provided by the GRRC Coordinator.

(4) All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed for inspection by the GRRC Coordinator.

§ 47- 6 Supervision by GRRC Coordinator authority to regulate collection and disposal.

Garbage, rubbish, and recycling accumulated in the Borough shall be collected, conveyed and

disposed of by the collector under the supervision of the GRRC Coordinator. The Manager and Mayor and Common Council may make necessary and reasonable suggestions for implementation of rules and regulations concerning the days and times of collections, type and location of waste containers and such other matter pertaining to the collection, conveyance and disposal of refuse and other materials as the GRRC Coordinator may find necessary in the public interest. The Borough of Washington shall be responsible for implementing any rules and regulations as adopted.

§ 47-7. Preparation for collection; separation of recyclable materials.

Garbage, recyclables and refuse shall be prepared for collection in accordance with the provisions hereof.

A. All garbage, before being placed in the container for collection, shall have drained from it all free liquids or must be securely wrapped in paper.

B. All rubbish shall be drained of excessive liquid before being deposited in the container for collection.

C. Excess newspapers shall be securely tied, both lengthwise and across, in bundles not to exceed 12 inches in height. Bundles shall be tied with cord or string in excess of fifty-pound test. Newspapers shall not be placed in paper or plastic bags in either tied or untied state and shall be separated from all garbage, refuse and vegetative wastes.

D. Cans shall be cleaned and have all paper or plastic labels removed. Aluminum cans and steel cans must be separated from all garbage, refuse and vegetative wastes and placed in covered,

E. All glass must be cleaned and separated from all other garbage, refuse and vegetative wastes and be placed in the recycling container.

F. Grass clippings, hedge clippings, leaves, straw, thatch, plant stems and roots and similar material shall be placed in kraft-type bags or covered heavy-duty plastic or galvanized metal containers whose overall capacity shall not exceed 32 gallons. All items in this section must be separated from all other garbage, refuse, recyclable materials and vegetative wastes.

G. Tree branches not in excess of four inches in diameter and tree stumps not greater than 50 pounds in weight need not be tied, bundled or containerized. All items in this section must be separated from all other garbage, refuse, recyclable materials and vegetative wastes.

H. Plastic containers shall have all metal rings and caps removed and shall be cleaned. All plastic containers shall be separated from all garbage, refuse, and vegetative wastes and be placed in separate, covered, heavy-duty plastic or galvanized metal containers whose overall capacity shall not exceed 32 gallons.

I. Excess corrugated cardboard shall be flattened, bundled and tied in two directions with cord or string in excess of fifty-pound test or placed securely inside a corrugated cardboard box. All corrugated cardboard shall be separated from all garbage, refuse and vegetative wastes.

J. All white goods shall be separated from all other garbage, refuse, recyclable materials and vegetative wastes. Refrigerators and freezers shall have doors or latches removed prior to placement outside of any building. Refrigerators, freezers, air conditioners and dehumidifiers are not eligible for collection unless written documentation of the removal of coolant by a certified refrigeration technician has been presented to the Municipal Manager's office at least two days in advance of the day of collection.

K. Motor oil and oil filters shall be placed in separate metal or plastic containers with secure, tight-fitting caps to prevent leaks or spills. Motor oil and oil filters must be brought to an authorized recycling center and may not be placed out at curbside for collection.

L. High-grade office paper from commercial, industrial and institutional uses shall be placed flat

and uncrumpled into cardboard boxes with covers.

M. Excess magazines and mixed paper shall be securely tied, both lengthwise and across, in bundles not to exceed 12 inches in height. Bundles shall be tied with cord or string in excess of fifty-pound test. Magazines and mixed papers shall not be placed in paper or plastic bags in either a tied or untied state and shall be separated from all garbage, refuse and vegetative wastes.

N. Excess brown paper bags (kraft paper) shall be either securely tied or placed folded within another brown paper bag. Tied bundles should not exceed 12 inches in height. Bundles shall be tied with cord or string in excess of fifty-pound test. Brown paper bags may be placed out together with corrugated cardboard but should be separated from all garbage, refuse and vegetative wastes.

O. Batteries of the dry-cell type shall be placed in sealed plastic bags and brought to an authorized drop-off center for disposal and may not be placed out at curbside for collection. Wet-cell automotive batteries must be brought to an authorized recycling center and may not be placed out at curbside for collection.

P. Asphalt roofing material and demolition waste must be brought to an authorized solid waste facility authorized to recycle or process such waste for use, and this waste may not be placed out at curbside for collection.

Q. Latex paint must be brought to the County of Warren Recycling Center and may not be placed out at curbside for collection.

R. Scrap metal shall be free from all contamination from nonmetallic sources such as ceramic material, glass, plastic, cloth or other such material. Small quantities of scrap metal not in excess of 60 pounds in weight and no greater than six feet in height may be placed out at curbside for collection. Junk automobile parts, heavy iron, scrap metal from construction or demolition projects and oversize or overweight scrap metal must be left curbside on a quarterly designated day for pick up by a Borough authorized scrap collector.

S. Textiles must be brought to collection boxes or facilities that reuse, resell or recycle textiles or be collected by a company or organization that reuses, resells or recycles textiles.

T. Tires must be brought to an authorized recycling center or auto or tire repair facilities that recycle tires. Tires may not be placed out at curbside for collection.

U. Demolition waste must be brought to a registered Class B facility within New Jersey or an out-of-state licensed facility designated to accept this type of material.

V. Antifreeze must be placed in a plastic or glass container with a secure, tight-fitting cap to prevent spills and brought to an authorized recycling center. It may not be placed out at curbside for collection.

W. Electronic waste must be brought to an authorized recycling center, or Borough collection site, and may not be placed at curbside for collection.

X. Miscellaneous recyclables, currently limited to carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes, must be brought to an authorized recycling center and may not be placed at curbside for collection.

#### § 47-8. Containers.

A. The Borough of Washington shall provide the owner, tenant, lessee or occupant of the

premises refuse and recycling containers for the premises. Such containers shall be maintained in a clean, safe and good condition. The collector shall have the authority to reject any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents.

B. The Borough of Washington provided containers shall be heavy-duty plastic composition, that shall not exceed 96 gallons in overall capacity, shall have a lid or cover, and shall have sturdy handle(s), and wheels. Heavy-duty plastic bags (with at least a 1.1-mil thickness) not larger than 96 gallons may be used for excess garbage and rubbish if properly tied. Plastic bags may not be used for recyclable materials or vegetative wastes.

C. Wooden, cardboard, composition paper, fiber or similar containers are specifically prohibited for use as refuse containers.

D. No refuse container, when loaded and placed for collection, shall exceed a gross weight of 60 pounds. The contractor *may* at his discretion, refuse to collect any material in a refuse container weighing more than 60 pounds. The collector may, at his election, refuse to collect refuse in any container which does not conform to the requirements set forth in this section.

E. Containers must be stored in the side or rear yard of the property when not left for collection.

#### § 41-9. Accumulation in proper containers; unlawful deposit.

A. No person shall place any garbage or industrial wastes in any street, alley or other public place or upon any private property, whether owned by such person or not, except in proper containers for collection; neither shall any person throw or deposit any garbage, refuse or industrial waste in any stream or storm drain.

B. Any accumulation of refuse on any premises except in the manner herein provided is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this chapter shall be deemed a violation of this chapter.

C. No person shall cast, place, sweep or deposit any grass clippings, brush, sod or other refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place within the Borough hereafter.

D. No person shall bring garbage, litter, refuse, rubbish or other waste into the Borough of Washington for the purpose of disposing of the same in the Borough of Washington, nor shall any person place garbage, litter, refuse, rubbish or other waste generated outside of the Borough of Washington in any public waste receptacle of the Borough of Washington or in any private receptacle subject to collection and disposal by the Borough of Washington or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit small amounts of garbage, trash, rubbish or litter generated locally or in the course of travel, such as newspaper, food, retail beverage and food containers and wrappings, and other similar items, in public waste receptacles.

E. No person shall deposit household or commercial garbage in the public waste receptacles of the Borough of Washington, except as otherwise provided by law.

F. No person who has his or her garbage, litter, refuse, rubbish or other waste collected by the Borough of Washington shall accept for disposal garbage, litter, refuse, rubbish or other waste generated outside the Borough for the purpose of having it collected and/or disposed of by the Borough of Washington or its duly authorized contractor.



§ 47-9.1 limitation on amounts per household.

- A. The Borough shall collect and dispose of not more than one 96-gallon container, or an equivalent quantity of garbage, rubbish or refuse, per residential, commercial, institutional, office, school, public utility or industrial unit, together with any other items the Borough Council may choose to contract for collection and disposal of, unless approved by the coordinator.
- B. Stickers - The Borough will no longer issue stickers for Type 13 or bulky waste.
- C. Residents may redeem any unused stickers within 30 days of the expiration date thereon. No refunds will be provided after the thirty-day period has expired.

§ 41-9.2. Collection of bulk household or Type 13 waste.

- A. The Borough shall, at its discretion through negotiation with the Borough's duly authorized contractor, provide for the disposal of bulk household or Type 13 waste, as defined in N.J.A.C. 7:26-2.13(g), subject to the requirements set forth by the duly authorized contractor, the Warren County Pollution Control Financing Authority, and the New Jersey Department of Environmental Protection.
- B. The Borough will no longer issue stickers.  
No refunds will be provided after the sixty-day period has expired.

§ 41-10 Placement of containers for collection.

- A. Each owner or occupier of premises desiring to have his/her garbage, refuse, recyclable materials and/or vegetative wastes collected by the Borough or its agents shall place the same in proper containers at the roadside no earlier than 6:00 p.m. the night before or prior to 7:00 a.m. on the day designated for the collection area. Containers may not be left at the roadside after collection. The owner or occupier of the premises is responsible to make sure containers are accessible for collection purposes.
- B. Bulk household or Type 13 waste shall not be collected. It is recommended that the homeowner utilizes other resources to have such items disposed.

§ 41-11. Disposition of other materials.

- A. Highly flammable, corrosive or explosive materials shall not be placed in containers for collection but shall be disposed of by the owner at the expense of the owner or possessor thereof.
- B. The Manager is hereby authorized to draft and recommend rules and regulations, the mayor and council will enact rules and regulations for the disposal of household furnishings and waste material not included within the definition of "refuse," where such waste material originates within Washington Borough. Any person desiring to dispose of such waste shall do so in strict accordance with such rules and regulations and in accordance with the statutes of New Jersey.
- C. The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of "refuse," and collectors of refuse from outside of the Borough who desire to haul over the streets of the Borough shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse or waste material from being blown, dropped or spilled therefrom.

§ 41-12. Certain items responsibility of producer or owner.

Disposal of items such as and similar to automobiles, vehicles, parts of vehicles, tires, building materials, sod, soil, concrete, large tree limbs, tree stumps, tree trunks, commercial and

industrial wastes shall be the responsibility of the producers or owners thereof.

§ 41-13. Frequency of collections.

A. Curbside collection of trash and comingled recyclable material in all areas of the Borough shall be once a week.

B. White goods, scrap metals and bulky items of refuse, such as, but not necessarily limited to, furniture, bedsprings and mattresses, television sets, area rugs and other similar items of household furnishings, shall be no longer be collected. Vegetative waste will be collected from the first week in May to the last week in October; kraft-type bags or reusable metal or plastic containers must be used. Vegetative waste collection shall be suspended after the last week in October and prior to the first week in May of the following year, with the exception of collection of Christmas trees or storm-damaged limbs.

C. The Borough of Washington shall publish, at least annually, a comprehensive schedule for all recycling, garbage and bulk trash collections within the Borough.

§ 41-14 Mandatory source separation; exemption from source-separation requirements.

A. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Borough of Washington, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants or occupants of such premises. Designated recyclable materials shall be taken to an authorized recycling center or, for recyclable materials for which curbside pickup is provided, placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Washington.

B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source-separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source-separate from the municipal solid waste stream the specified recyclable materials, if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this section, a commercial or institutional generator of solid waste shall file an application for exemption with the Municipal Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials; and a certification that the designated recyclable materials will be recycled and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the Municipal Recycling Coordinator of the total number of tons collected and recycled for each designated material.

§ 41-15. Prohibition of the collection of waste mixed with recyclable materials; collection by unauthorized parties prohibited.

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with or contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a

warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C. Once placed in the location identified by this chapter or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove or otherwise handle designated recyclable materials. Each such instance of tampering, collection, removal or handling of designated recyclable materials in violation hereof shall constitute a separate and distinct violation of this chapter.

#### § 47-16 New developments of multifamily residential units or commercial, institutional or industrial properties.

A. Any application to the Planning Board of the Borough of Washington for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units, or any commercial, institutional or industrial development for the utilization of 1,000 square feet or more of land must include a recycling plan. This plan must contain, at a minimum, the following:

(1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development.

(2) locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.

(3) Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.

B. Prior to the issuance of a certificate of occupancy by the Borough of Washington, the owner of any new multifamily housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

#### § 47-17. Enforcement.

The Recycling Coordinator, shall respond to complaints, educate the alleged offender and attempt to resolve any issue(s). After two or more separate attempts to correct the situation, the Police Department will review the complaints and determine if a summons should be issued. An inspection may consist of sorting through containers and opening of solid waste bags to detected by sound or sight, the presence of any inappropriate material. All apparently confidential documents, letters and bills, shall NOT be read or collected by the inspector. The confidential or similar written documents other than mailing envelopes, items must be destroyed immediately.

#### § 47-18. Violations and penalties.

A. Any person, corporation, occupant or entity that violates or fails to comply with any of the provisions of this chapter shall, upon conviction, be punished for each offense by a fine not to exceed \$50.00, and a period of community service not to exceed 4 hours for the first offense. A fine not to exceed \$100.00 and community service for not less than 4 hours and not more than 8 hours for any second offense or other offense thereafter.

Introduced: October 19, 2021  
Public Hearing/Adoption: November 9, 2021