

**BOROUGH OF BERGENFIELD  
PUBLIC NOTICE**

**ORDINANCE 19-2544 – AN ORDINANCE AMENDING CHAPTER 266 OF THE  
CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “SOLID WASTE”**

was introduced at a Work Session Meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, March 5, 2019 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, March 19, 2019 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement is to amend Chapter 266 to modify the recycling program, general obligations of solid waste, handling of yard waste, the manner in which recycling items shall be prepared for collection, set the time and provide instruction on the placement and removal of barrels, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones, RMC  
Borough Clerk  
March 8, 2019

**BOROUGH OF BERGENFIELD**

**Ordinance No. 19-2544**

**AN ORDINANCE AMENDING CHAPTER 266 OF THE CODE OF THE BOROUGH OF BERGENFIELD,  
ENTITLED "SOLID WASTE"**

**WHEREAS**, Chapter 266 of the Code of the Borough of Bergenfield sets forth all regulations regarding Solid Waste in the Borough of Bergenfield; and,

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 266 entitled Solid Waste

Article IV. Mandatory Recycling Program

Sec. 266-18. Recyclable materials.

Paragraph A. "Aluminum" shall mean recyclable aluminum cans, clean aluminum foil, and clean aluminum foil-like containers, i.e. pie plates.

Paragraph D. Corrugated cardboard is to be collected from residential and commercial establishments.

Paragraph F. "White goods" shall mean refrigerators, stoves, washing machines, dryers, water heaters, microwaves, and such other items as shall be listed in the rules and regulations propounded by the Borough of Bergenfield.

Paragraph G. Plastic bottles, with caps and lids removed:

Bottle Material	Description	Examples
PP(#5)	Clear, partly transparent or opaque	condiments, medicine, Yogurt

Paragraph H. Newspapers, magazines, office grade paper, mail, kraft bags, paperback books, and paperboard boxes.

Paragraphs L. Mixed paper: source-separated mixture of all types of paper, including, but not limited to, corrugated, high-grade paper, newspaper, magazines, telephone directories, wrapping paper, box board, books, paper grocery bags and junk mail.

Paragraph M. Construction and demolition debris: source-separated nonputrescible recyclable material generated from the construction, alteration, repair, maintenance and/or demolition of structures within Bergenfield. This material shall include concrete, bricks, block, ferrous and nonferrous metal asphalt, asphalt shingles, recyclable wood scrap, and any and all other material generated from the construction, alteration, repair, maintenance and/or demolition of a structure or structures within Bergenfield.

Paragraph N. "Batteries" shall mean automobile batteries and rechargeable batteries

Paragraph O. "Cartons" shall mean gable-topped and aseptic cartons (i.e. milk, soup, juice)

Paragraph P. "E-Waste" shall mean only the following: computers, computer monitors, laptops, tablets, televisions (TVs), desktop printers and desktop telefax machines.

Sec. 266-20. General obligations.

Paragraph B. All persons, except those physically disabled, who are owners, lessees or occupants of residential, commercial and institutional properties in the Borough of Bergenfield shall separate leaves, grass clippings, branches, vegetative yard waste, newspapers, magazines, office grade paper, mixed paper, aluminum, tin, glass, plastic bottles, cartons, e-waste, batteries, white goods, oil and antifreeze and construction and demolition debris and ferrous metals from any other trash and garbage generated by said persons, and they shall separately prepare the aforesaid described recyclable items in accordance with all applicable rules and regulations propounded by authority of this article.

Paragraph C. Residential and commercial establishments shall separate, in addition to the items listed in Sec. 266-18 of this article, corrugated, cardboard from any other trash and garbage produced by them and shall prepare said corrugated cardboard in accordance with all applicable rules and regulations propounded by authority of this article.

Paragraph I. Recyclables must be empty and rinsed clean.

Paragraph J. No plastic bags allowed in curbside or recycling center commingled or single stream recycling.

Article V. entitled Yard Waste Collection and Disposal

Sec. 266-26. Definitions.

CONTAINERIZED

The placement of yard waste in a trash can, bucket, paper biodegradable bag or other vessel such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater, stormwater grates and stormwater drains.

Article VI. entitled Proper Handling of Yard Waste.

Sec. 266-29. Definitions.

CONTAINERIZED

The placement of yard waste in a trash can, bucket, paper biodegradable bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater, stormwater grates and stormwater drains.

YARD WASTE

Leaves, grass clippings, branches and vegetative yard waste.

Article VII. Additional Recycling Requirements.

Sec. 266-32. Receptacles and manner of storage.

A. In dwellings containing two dwelling units or less, the recycling receptacles shall be purchased by and maintained by the tenant if stipulated by lease or contract.

B. In the absence of a lease or contract, the recycling receptacles shall be purchased and maintained by the landlord or owner of the one or two family unit.

C. In dwellings of three families or more, such recycling receptacles shall be purchased and maintained by the landlord.

D. Receptacles shall be conveniently located on premises for the storage of recycling and maintained in such a manner as to prevent the creation of a health nuisance to the residents. If cans or non-roll off dumpsters are used, they shall be tightly covered.

E. Receptacles or recycling shall be set out for collection between the curb and the sidewalk or at such places as may be particularly designated by the Department of Public Works.

F. The owner or tenant of premises shall remove recycling receptacles from the place of collection within 12 hours after they have been emptied.

G. All household recycling or any other items to be disposed of shall not be stored in plain view on that part of any residential property that between the front of the house and the street.

H. The use of paper bags and cardboard boxes as receptacles for recycling is strictly prohibited, except that residential yard waste may be placed in paper biodegradable bags for curbside collection.

I. Receptacles that are badly broken or otherwise fail to meet the requirements of this section may be removed by the Borough.

#### Sec. 266-33. Preparation of Recycling for Collection.

A. Recyclables shall be empty and clean before placement in recycling receptacles.

B. No garbage shall be placed in any recycling receptacle.

C. Recyclables shall not be bagged in plastic bags.

D. Plastic bags and plastic film shall not be placed in any recycling receptacle.

E. All commercial cardboard cartons picked up by the Borough shall be flattened and tied in bundles or packed in suitable containers of a size that they may be readily handled by one collector, and in no case shall such bundle or container be larger than three feet by three feet. For residential recycling collected by the Borough, all cardboard shall be flattened and placed in recycling receptacles.

F. All recycling generated by a private contractor or trade waste generated by any business, shall be removed at their own expense and risk by an authorized collector, except for commercial cardboard collected by the Borough.

Sec. 266-34. Time of Placement and Removal.

It shall be unlawful for any person to place, or cause to be placed, or permit to remain at the curb, any recycling receptacle earlier than 2:00 p.m. on Sundays, and 6:00 p.m. on all other nights prior to collection for that premises regular collection day, as established by the Department of Public Works. Recycling shall be placed curbside before 6:00 a.m. on the day of collection for residential recycling and commercial cardboard collected by the Borough.

Sec. 266-35. Administration.

A. The Administration and enforcement of this article shall be the responsibility of the Department of Public Works Superintendent or Designee and the Board of Health, the Health Officer and his agents. They may call upon the personnel of the Police Department, Fire Department and the Public Works and Sanitation Departments in carrying out the enforcement of this article.

B. The Superintendent of Public Works and Sanitation shall designate the areas and times of collection of recycling.

Sec. 266-36. 1. Barrels to be provided by Borough.

The Borough shall provide the residential property owners one 96 gallon barrel for recycling. Effective April 1<sup>st</sup>, household generated paper, cardboard, cans, glass, cartons and plastic #1, #2 and #5 only will be collected all together in this barrel.

Sec. 266-36.2. Multifamily residential properties.

Multifamily residential properties shall receive recycling barrels. Effective April 1<sup>st</sup>, household generated paper, cardboard, cans, glass, cartons and plastics #1, #2 and #5 only will be collected all together in this barrel.

Sec. 266-36.3. Barrel placement.

All recycling barrels must be placed along the curb in front of the residence. Where more than one barrel is present, the barrels must be placed with a three-foot separation between the barrels and any other obstruction, i.e., utility pole, fire hydrant, vehicle, etc.

Sec. 266-36.4. Collection eligibility.

In the event a property has more than one barrel but cannot comply with Sec. 266-36.3 above, the property will not be eligible for municipal collection.

Sec. 266-36.5. Purchase of additional barrels.

Any property owner who wishes to purchase an additional recycling barrel may do so by contacting the Superintendent of Department of Public Works. The property owner shall remit payment for the recycling barrel at the Borough cost based upon the most recent purchase order.

Sec. 266-36.6. Smaller barrels.

Any residential property owner, at their request, will be provided with a smaller recycling barrel from the Borough. Any property owner who obtains a smaller barrel will not give up their right to a larger barrel provided by the Borough.

Sec. 266-36.7. Borough seal required on barrels.

Only barrels with the Borough seal shall be picked up by the Department of Public Works.

Sec. 266.37. Illegal dumping or disposing of Recyclables.

A. It shall be unlawful for any person to deposit, place or dump, or allow the dumping, depositing or placing of any recyclable materials upon any land or in any water of the Borough.

B. It shall be unlawful for any person or business to deposit or place any residential or commercial recycling in any pedestrian litter or recycling receptacle which has been placed by the Borough of Bergenfield on Borough property or right-of-way for the deposit of pedestrian litter or recycling.

C. It shall be unlawful for any person or business to deposit, place or dump any recycling into a recycling container owned, contracted or maintained by another person or business.

Sec. 266-38. Owner to maintain property free of litter.

The owner or the person in control of any property shall at all times maintain the premises and property so as to be free of litter, including loose recyclables.

Sec. 266-39. Removal of illegally dumped materials.

A. Any person violating any provisions of Sec. 266-37 of this chapter shall immediately remove all of the materials which said person has illegally dumped, placed or deposited on any land or waterway.

B. In the absence of identifying evidence of person or business responsible for the dumping, depositing or placing of any recyclables, it shall be the responsibility of the property owner to remove any dumped or deposited materials.

Sec. 266-40. Loose recyclables.

The presence upon lands or property lying within the limits of the Borough of loose recyclables is hereby declared to be detrimental to the public health, safety and general welfare of the residents of the Borough.

Sec. 266-41. Notice to remove.

A. The owner or tenant of such lands or property in the Borough is hereby required to remove or cause to be removed from such lands and property, any loose recyclables not less than 24 hours after receipt of an abatement notice from the Health Officer or his agent.

B. Said notice may be served upon such owner or tenant either personally, posted on the premises, or by registered or certified mail return receipt requested. Said abatement shall commence to run from the date of postal delivery on the receipt received from the postal authorities or from the day of posting or personal delivery.

Sec. 266-42. Business establishments.

A. All business establishments shall arrange to have recyclables and recycling removed from the premises as often as necessary to prevent the creation of nuisances due to the presence of odors, attraction of flies, vermin or animals, or litter as a result of overfilled receptacles.

B. All recyclables and recycling must be kept in containers except that cardboard may be bundled, tied and stored in such a manner that it is not subject to being scattered.

C. Receptacles, including dumpsters, shall be kept tightly covered and free of openings large enough to allow the entrance of rodents. Further, recyclables and recycling must not exceed the height of the receptacle.

D. Roll-off type dumpsters which do not have lids may be kept uncovered under the following conditions only:

- (1) no recycling containing food wastes is stored within.
- (2) the height of the recycling does not exceed the height of the dumpster.
- (3) the recycling cannot be scattered by the wind.
- (4) does not constitute a health nuisance of any type.

E. Business establishments may not store or dispose of liquids of any kind in dumpsters or containers designed to hold garbage or refuse. This includes cooking oils, cooking grease, or solidified grease.

Sec. 266-43. Violations and penalties.

A. Any person violating the provisions of Article VII shall be liable to a maximum penalty at the discretion of the Judge of the Municipal Court of \$100 for the first offense and up to \$500 or ten (10) days in jail for each and every subsequent offense.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

**NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 5<sup>th</sup> day of March, 2019 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 19<sup>th</sup> day of March, 2019 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.**

**Borough Clerk**