

**Section 18-1**  
**GARBAGE AND RUBBISH\*\***

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\* *For additional regulations on property maintenance, see Chapter XIV. For additional regulations on construction sites, see Chapter XII.*

\*\* *Section 18-1 was amended in its entirety with the adoption of Ordinance 2009-18 on September 8, 2009.*

**Subsection 18-1-1 Purpose.**

The purpose of this section is to regulate and control the disposal of solid waste within the Borough of Hightstown.

**Subsection 18-1-2 Definitions.**

As used in this section:

“Borough” shall mean the Borough of Hightstown in the County of Mercer and State of New Jersey.

“Construction debris” shall mean any scrap lumber, metal, earth, sand, brick, stone, plaster, roofing or siding material or other debris of a similar nature which accumulates and is incidental to the construction, demolition or renovation of home buildings, public works or other projects.

“Garbage” shall mean any animal, vegetable or fruit wastes or solids resulting from the handling, preparation or consumption of foods, but not to include human wastes.

“Hazardous waste” shall mean all waste as defined by N.J.S.13:1E-38c, and which shall include but not be limited to wastes which are flammable, corrosive or explosive or which, by themselves or in combination with other wastes, would be hazardous to life or property.

"Holiday" shall mean any of the following days: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas; or any other day so designated by Resolution of the Borough Council..

"Litter" shall mean garbage, refuse, rubbish and all other waste material which has been discarded, including, but not limited to: any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can; any lighted or unlighted cigarette, cigar, match or any flaming or glowing material; any garbage, trash, refuse, debris, rubbish, grass clippings, lawn or garden waste; or any newspaper, magazines, glass, metal, plastic or paper containers, or other packaging or construction material.

"Litter receptacle" shall mean a container suitable for the depositing of litter other than recyclable items.

"Nonresidential user" shall mean any commercial, industrial or business establishment conducting a business, whether for pecuniary profit or not for pecuniary profit, and any apartment house having more than four (4) dwelling units, shopping mall, motel having more than four (4) dwelling units, or retirement village within the Borough boundaries.

"Paper" shall include newsprint, periodicals, cardboard and other wastepaper.

"Public entity" shall include the State and any County, municipality, district, public authority, public agency and any other political subdivision or public body in the State.

"Recyclable waste material" shall mean items designated by the policies of the Borough, County, or State to be separated from the solid and bulk waste stream for separate collection and disposal, including, but not limited to: metal containers, plastic and plastic containers, paper, newsprint, magazines, cardboard, glass bottles, and any additional materials that may be designated by Borough, County, or State policies.

"Residential user" shall mean a dwelling unit inclusive of a house or a multifamily dwelling of four (4) or fewer units.

"Retail food establishment" shall mean a retail food establishment as defined in the Retail Food Establishment Code of New Jersey, 1965.

"Rubbish" shall include rags, discarded clothes, leather, rubber, carpets, wood, sawdust, furniture and other combustible solids not of a highly volatile or explosive nature, as well as crockery and other similar materials. The term "rubbish" shall not include trade waste and waste resulting from building construction, demolition or alterations.

"Solid waste" shall include ashes, garbage and rubbish as defined in this section, and recyclables as defined in Section 18-2.

"Solid Waste Committee" shall mean a committee appointed by the Mayor for the purpose of reviewing solid waste related issues and advising the governing body with respect to same.

"Streets" shall include any accepted public street and sidewalks, curbs and alleys adjacent thereto.

"Trade waste" shall mean all materials resulting from the conduct of any business, trade or industry, whether or not conducted for profit, including, but not limited to, paper, rags, leather, rubber, cartons, boxes, wood, sawdust, garbage, metals, metal shavings, wire, tin cans, cinders and other materials, exclusive of wastes resulting from building construction, demolition or alteration work.

"Waste material" shall include any and all garbage, rubbish and waste from building construction, demolition or alteration work, regardless of how originated.

### **Subsection 18-1-3 Responsibilities of Property Owners and Users.**

a. Every residential user placing garbage and rubbish, as defined by this section, for collection from, on or in connection with a residence or a residential unit within the boundaries of the Borough is subject to the rules and regulations set forth in this section.

b. Except as provided in subsection 18-1.5(a)(3), It is the responsibility of the property owner or his agent, or the person producing any construction debris, trade waste or hazardous waste, to remove and dispose of such waste at his or her own expense by the use of a solid waste collection contractor.

c. When a residential user chooses to clean up accumulated rubbish from his property, it is the obligation of the residential user to place such materials in such quantities and in such manner at the curb so as not to create a public nuisance or safety hazard. If the accumulation of solid waste exceeds what will fit within the container provided by the Borough, the residential user shall either limit the amount of waste placed for collection, or affix Waste Disposal Stickers as provided in subsection 18-1.5(b), or have all or a portion of the waste removed by a collection contractor at his or her own expense.

d. When a property is changing ownership or tenancy, all garbage, rubbish, debris and litter shall be removed and disposed of in accordance with this Chapter prior to the issuance of any temporary or regular Certificate of Occupancy.

e. It shall be the responsibility of all landlords, leasing agents or caretakers to inform tenants or lessees regarding the provisions of this Chapter and to ensure their compliance therewith. Property owners will be held responsible for any violations of this Chapter.

### **Subsection 18-1-4 Containers.**

a. One garbage container shall be provided by the Borough to each residential dwelling unit and non-residential user and shall remain the property of the Borough. Each dwelling can only place their one designated garbage container out for pickup. Placing more than one container per dwelling out for pickup is a violation of this ordinance. Each container shall be identified with a serial number and a log shall be maintained by the Public Works department of all containers distributed and their location. Users shall have a choice of a 95-gallon or 65-gallon container. Containers shall be maintained by the user in a clean, safe and good condition.

b. The Borough shall not be obligated to furnish more than one garbage container for each residential dwelling unit or nonresidential user within the Borough. Requests for additional garbage containers shall be submitted to the Borough Clerk on forms provided by him or her. Each such request shall be investigated by the Borough to determine if the requestor is in compliance with all portions of Chapter 18 of the *Revised General Ordinances of the Borough of Hightstown* and all laws regarding recycling and the disposal of solid waste. Additional containers will be provided only in cases of extraordinary and documented need, as determined by the Solid Waste Committee, following review of the information submitted in writing by the applicant.

c. Except as provided in subsection 18-1.5, garbage will not be collected unless contained within containers provided by and registered with the Borough.

**Subsection 18-1-5 Preparation for Collection.**

a. General Requirements.

1. All garbage shall be thoroughly and completely drained of all liquids before being placed in the container for pick-up.
2. Paint cans must be completely empty and dry prior to disposal. Any resident disposing of liquid paint in any quantity will be held responsible for damages to Borough equipment and roadways that may result.
3. Small amounts of construction debris will be collected only to the extent that the debris is contained entirely within the container provided by the Borough. The purpose of this provision is to provide a means for homeowners making small repairs on their own to dispose of the resulting debris. It is not intended to provide a means of disposal for debris generated by outside contractors.

b. Bulky Items, White Goods and Metal Items; Waste Disposal Stickers required.

1. Acceptable bulky waste items, white goods and metal items will be collected by the Borough by appointment only, provided that each item to be disposed of has a Waste Disposal Sticker attached. No bulky or metal item will be collected without such sticker attached. One sticker shall be required for each such item to be placed for collection.
2. Waste Disposal Stickers will be available at the office of the Borough Clerk and at the Borough Public Works office during normal business hours. In addition, stickers may be sold through commercial/retail outlets located in the Borough, if so approved by Resolution of the Borough Council. The initial cost for each sticker shall be \$5.00, and said price may be revised as needed by Resolution of the Borough Council.
3. Borough employees engaged in the performance of collection duties are forbidden from collecting monies on the Borough's behalf for disposal of any bulky items, white goods or metal items, or for the collection of any additional garbage, or for selling or otherwise distributing any Waste Disposal Sticker, except as authorized by this Chapter. It shall be unlawful for any property owner or user to offer money or any other form of compensation to the Borough's employees or agents for same.

c. Special items; Right to refuse collection; Waste Disposal Sticker required.

1. Carpeting must be cut into 36" widths, rolled and tied into bundles not heavier than 45 pounds. Bundles of identical carpeting shall be considered to collectively comprise one item, and shall require one Waste Disposal Sticker to be placed on one of the bundles.
2. No refrigerator, freezer or airtight compartment units shall be placed at curbside until all doors and/or closures have first been removed from the hinges.
3. In compliance with environmental regulations, freon must be removed by an authorized contractor from all refrigerators, freezers, air conditioning units, dehumidifiers and any other item containing freon, and contractor's certification of same provided to the Borough, prior to disposal of such items.

4. Items placed for collection which are not in compliance with this subsection, or which do not have the required Waste Disposal Sticker attached, will not be collected by the Borough, and must be removed from the curb within 24 hours.
5. The Borough reserves the right to refuse collection of certain bulky or heavy items.
  - d. Storage of Certain Items in Residential Zones. In all locations zoned for residential purposes, the storage of the following items is prohibited:
    - (a) Motor vehicle tires, except where stored in a fully enclosed structure.
    - (b) Bulky household items such as appliances, furniture or mattresses, except where stored in a fully enclosed structure or during days designated for the collection of such bulky items.

**Subsection 18-1-6 Cleanup of Spills.**

- a. Except as provided in Subsection 18-1.15, each container of solid waste shall be placed in the street with wheels against the curb and on level ground, so that it is not easily overturned or upset.
- b. If any container of solid waste is overturned or upset other than by a Borough employee, the property owner, tenant or person placing the solid waste for municipal collection shall promptly clean up such solid waste and replace it in the container.

**Subsection 18-1-7 Prohibited Materials.**

- a. No person shall place at the curbside or in any container for the purpose of collection any explosive, highly flammable materials or hazardous waste, including but not limited to benzene, gasoline and other petroleum by-products, explosive powders, fluorescent light tubes and bulbs, chlorinated solvents, pesticides, herbicides and other hazardous materials.
- b. Except as provided in subsection 18-1.5(a)(3), the Borough will not dispose of vehicles, tires, vehicle batteries, auto and truck bodies or parts thereof, construction debris, scrap wood, tiles, wallboard, fencing, decking, computer equipment, electronic equipment, oil-based paint, or latex paint in liquid form. Disposal of these items is the responsibility of the resident.
- c. Under no circumstances, except as provided in subsection 18-1.5(a)(3), shall any of the materials referenced in paragraphs (a) and (b) above be collected by the Borough or the Borough's authorized agents, and it shall be a violation of this Chapter for any property owner, lessee or occupant to place such materials (either separately or commingled with other materials) for collection by the Borough.
- d. Recyclable materials and grass clippings shall be separated and disposed of as set forth in Section 18-2 of the *Revised General Ordinances of the Borough of Hightstown*.
- e. The Borough reserves the right to inspect garbage placed for collection and to refuse collection of any garbage containing prohibited materials, recyclable materials or grass clippings.

**Subsection 18-1-8 Nonresidential Users.**

a. Receptacles for collection of solid waste from nonresidential users, other than containers supplied by the Borough, must be of the dumpster type that can be mechanically dumped in the collector's vehicle. They must have a closure or lid to prevent the contents from being scattered by the wind. Containers shall be cleaned and sanitized as required.

b. Nonresidential users shall arrange to have solid waste removed daily unless suitable facilities are provided for the storage of solid waste until its removal.

c. The Borough shall not provide garbage or solid waste collection service to any user from a dumpster-type container except as provided for in Subsection 18-1.9.

**Subsection 18-1.9      Municipal Garbage Dumpsters (Stockton Street parking lot).**

a. Except as provided in Subsection 18-1.9(b) below, business establishments, residents and tenants of rental properties located in Block 23 and Block 33 of the Borough of Hightstown shall be permitted to utilize municipal garbage dumpsters located in the Stockton Street parking lot at no charge. Each such business establishment or household shall be entitled to dispose of the equivalent of one 95-gallon container of solid waste per week.

b. Licensed food establishments located in Block 23 or Block 33 of the Borough of Hightstown shall be permitted to utilize municipal garbage dumpsters located in the Stockton Street parking lot, provided that a written agreement is entered into between the Borough and the licensed retail food establishment, and that the food establishment pays a share of the Borough's cost for the provision of such service. A schedule of fees shall be established by Resolution of the Borough Council for services provided under this subsection, and shall be updated as necessary in order to ensure the fair distribution of costs among the users. Fees not paid within 30 days of assessment by the Borough shall constitute a lien against the property where the licensed retail food establishment is located, and such services shall cease until full restitution has been made. Property owners will be held responsible for any violations of this Section.

c. Materials prohibited by Subsection 18-1.7, "Prohibited Materials," shall not be disposed of in the municipal garbage dumpsters located in the Stockton Street parking lot.

d. No persons or establishments other than those specified in this subsection shall be entitled to utilize the municipal garbage dumpsters located in the Stockton Street parking lot. The unauthorized use of said dumpsters, or the placement of prohibited materials in same, shall constitute a violation of this section and shall be subject to penalties as set forth in subsection 18-1.21.

**Subsection 18-1-10      Interference with Collection Personnel Unlawful.**

No person or persons shall interfere with any agent, servant or employee of the Borough, or any authorized contractor or collector of solid or bulk waste or recyclable material, or employees of same engaged in the discharging of their duties, or prevent the discharge of such duties.

**Subsection 18-1-11      Spills; Littering; Construction Sites.**

a. No person shall willfully overturn, spill out or scatter garbage, trash, rubbish or solid waste placed at curbside for collection by the municipal collector or any contracted collector.

b. Vehicles traveling on roads within the limits of the Borough shall not discharge materials defined in this section as garbage, paper, petroleum products, chemicals or materials that may be considered a nuisance. In addition, no person may discard litter or solid waste of any kind on a public walk or street or onto private or public property.

c. The owner or operator of any vehicle that enters or leaves a property and which casts dirt, stones or solid waste on a thoroughfare shall be responsible for the cleanup of such materials. Failure to promptly perform such cleanup shall be a violation of this section.

d. Construction Sites. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of waste before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate all waste material at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage.

#### **Subsection 18-1-12 Separation of Recyclable Materials.**

Recyclable materials such as glass, aluminum, paper, plastic and cardboard, must be separated from solid waste and are subject to regulation under Section 18-2 of the Borough Code.

#### **Subsection 18-1-13 Collection Schedule.**

Collection from residential and nonresidential users shall be in accordance with a schedule provided by the Borough Clerk. This schedule may be from time to time amended or changed upon notice to the public through publication in the legal newspaper of the Borough, or through a notice sent with water and sewer bills or by letter, or posted on the Borough's official website.

#### **Subsection 18-1-14 Time for Placement of Containers at Curbside.**

a. No container of solid waste, garbage or rubbish, bulky item or any other solid waste shall be placed at curbside for removal before 5:00 p.m. on the day prior to the day of collection, and all containers and any waste not collected shall be removed by 8:00 p.m. on the collection day.

b. When a regular collection day falls on a legal holiday, collection will take place on the next business day. Containers shall be placed at curbside accordingly.

c. It shall be the responsibility of all landlords, leasing agents or caretakers to provide this collection information to the rentor or lessee, and ensure their compliance therewith. Property owners will be held responsible for any violations of this Chapter.

#### **Subsection 18-1-15 Placement for Collection.**

a. All containers or bulk materials placed for collection shall be placed as near as possible upon or along the curblin and, consistent with that objective, shall not be placed so as to interfere with public travel.

b. Except as herein provided, no solid waste or garbage shall be deposited or placed in or upon any public street or alley, Peddie Lake, Rocky Brook Stream, any Borough park or any other public place.

c. No solid waste or garbage shall be deposited or placed for collection along North Main Street between Franklin and Stockton Streets, Main and Mercer Streets between Stockton Street and Rogers Avenue, Stockton Street between Main Street and Railroad Avenue, and Rogers Avenue between Mercer Street and Railroad Avenue. Residents and establishments in that area shall dispose of garbage in accordance with Subsection 18-1.9.

d. Any solid waste placed at curbside for collection by a residential or nonresidential user not in accordance with this section will not be collected by the Borough. It will be the responsibility of the user to remove the solid waste from the curblines by no later than 8:00 p.m. on the day that collection would have taken place.

#### **Subsection 18-1-16 Use of Litter Receptacles.**

Litter receptacles and their servicing are required at certain public areas in the Borough of Hightstown, including: sidewalks used by pedestrians in active retail commercially-zoned areas such that, at a minimum, there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools and government buildings; parks; construction sites; gasoline service station islands; shopping centers; parking lots; and boat launching areas. It shall be unlawful to dispose of household garbage or trade waste in or alongside such litter receptacles.

#### **Subsection 18-1-17 Transfer of Solid Waste Unlawful.**

a. No person shall bring, cart or otherwise transport any solid waste, hazardous waste, bulky items, construction debris or other solid waste from outside this municipality into this municipality for the purpose of dumping or disposal.

b. No person shall bring, cart, transport or collect any trade waste materials, construction debris, hazardous waste, solid waste, garbage or bulky items from a nonresidential user and place the same for collection with the solid waste of a residential user.

#### **Subsection 18-1-18 Responsibilities of Property Owners or Renters.**

a. It shall be the responsibility of the property owner or renter to remove weeds and grass that grow in cracks of sidewalks, curbs or gutter and place the same in containers for disposal as recyclable items.

b. It shall be the responsibility of business property owners or renters to clean the sidewalks and curbs abutting their premises and to place such waste in containers at curbside for collection by the municipal collector on regular pickup days.

c. Where parking on private property is provided, it shall be the responsibility of the owner or renter to keep all parking areas and walks clear of litter and solid waste and in an orderly manner.

d. No property owner or renter shall knowingly permit garbage, rubbish, solid waste or litter of any kind to be placed or swept into or allowed to enter the gutter, stormwater drainage grates, catch basins, streets or public rights-of-way.

#### **Subsection 18-1-19 Stowing Empty Containers.**

Residents and nonresidential users shall stow empty garbage containers in such a manner as not to create a nuisance to the neighbors or public.

### **Subsection 18-1-20 Enforcement; Notification of Noncompliance.**

a. Enforcement Officers. The Superintendent of Public Works, Assistant Superintendent of Public Works, Public Works Foreman, Construction Official and Hightstown Police Officers are authorized enforcement officers for the purpose of enforcing the provisions of this Section. Enforcement measures may include, but are not limited to, fines and penalties as set forth in Section 18-1.21 and/or removal of waste by the Borough or its agent, with all costs for same charged to the property owner.

b. Procedure. Whenever any enforcement officer determines, after appropriate investigation, that there exists a violation of any provision of this chapter, he or she shall give written notice of such alleged violation to the person or persons responsible therefor. Such notice shall include a statement of the reasons for its issuance, and shall be served upon the owner or occupant of the premises, or the agent of either. Notice shall be deemed to be properly served if a copy thereof is served upon such person personally or posted in a conspicuous place in or about the premises affected by the notice. Such notice shall state that unless, within 24 hours from service of the notice, the condition complained of is abated, a municipal court summons will be issued and/or the Borough will undertake to abate the violation and place a lien on the property as hereinafter provided. A copy of the Notice shall be provided to the Borough Clerk.

c. Special Procedure in Emergency Conditions. Whenever the enforcement officer finds that an emergency exists which requires immediate attention to protect the health or safety of the public, he or she may, without notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding any other provisions in this chapter, such order shall be effective immediately. In the event that the order is disregarded by the property owner or person to whom the order is directed, the enforcement officer shall have the right to notify the Borough Administrator for the purpose of instituting immediate remedial action, the cost of which shall result in a lien on the premises.

### **Subsection 18-1-21 Violations and Penalties.**

a. General Penalty. Any person who shall violate any of the provisions of this Section shall, upon conviction, be subject to penalties as stated in Chapter I, Section 1-5 of the *Revised General Ordinances of the Borough of Hightstown*. Each and every violation of this section, and each and every day that such violation shall continue, shall be construed as a separate and distinct violation thereof.

b. Lien to be Placed on Property. In addition to the foregoing, and all other remedies available to the Borough, the Borough Treasurer, upon appropriate notification from the Mayor and Council and appropriate certification from the Borough Administrator, shall place a lien on any property determined to be in violation of the provisions of this Section, in the amount of any and all administrative expenses and any and all actual expenditures for work necessary in order to abate the violation, including the cost of removal of any garbage, litter, refuse or debris. The lien placed upon such lands shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

**Section 18-2**  
**RECYCLING\***

**Subsections:**

- 18-2-1 Collection Program Established.**
- 18-2-2 Promulgation of Regulations.**
- 18-2-3 Separation of Recyclables From Refuse.**
- 18-2-4 Procedures for Placement of Leaves, Weeds, Shrubbery Clippings, Limbs, Branches and Other Garden Waste; Collection to be Made by Borough Public Works Department.**
- 18-2-5 Procedures for Disposal of Grass Clippings; Schedule; Fee.**
- 18-2-6 Recyclables to Become Borough Property After Placement at Curb.**
- 18-2-7 Enforcement.**
- 18-2-8 Violations and Penalties.**
- 18-2-9 Donation or Sale of Recyclables.**

\* *Section 18-2 was amended in its entirety with the adoption of Ordinance 2009-18 on September 8, 2009.*

**18-2.1 Collection Program Established.**

There is hereby established a program for separate collection of metal containers; plastic and plastic containers; paper, newsprint, magazines, cardboard; glass; grass clippings; yard and garden waste and additional materials that may be designated by Borough, County or State policies, from the residences of the Borough of Hightstown for recycling purposes. Such collections shall be made periodically in accordance with a schedule by the Borough Council promulgated as set forth in subsection 18-2.2.

**18-2.2 Promulgation of Regulations.**

The Borough Council shall establish and, through the Clerk, promulgate regulations as to the manner, days and times of collection of recyclables, and the type, handling, location and time of placement of materials for collection, in accordance with any agreement the Borough may hold with a contracted collector.

**18-2.3 Separation of Recyclables From Refuse.**

The recyclable items listed in subsection 18-2.1 shall be kept separate from and not mixed with regular garbage and refuse which is collected by the Borough. Newspapers shall be considered clean and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. Persons may wrap solid waste in used newspapers and discard the same with regular solid waste even if such wrapping does not render the newspapers unusable for recycling.

**18-2.4 Procedures for Placement of Leaves, Weeds, Shrubbery Clippings, Limbs, Branches and Other Garden Waste; Collection to be Made by Borough Public Works Department.**

- a. **Definitions.** For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section 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 words "shall" and "will" are always mandatory and not merely directory.

1. Containerized – means placement in a trash can, bucket, bag or other vessel, such as to prevent the contents from spilling or blowing out into the street and coming into contact with stormwater.
  2. Person – means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
  3. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- b. Except as provided in subsections 18-2.4(c) and (d) below, the owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place leaves or grass clippings, unless they are containerized, in the street. If leaves or clippings that are not containerized are placed in the street, the party responsible for placement of said leaves or grass clippings must remove them from the street or said party shall be deemed in violation of this ordinance.
  - c. During the period from September 1 through December 31 of each year, leaves shall be placed in piles along the curblines of the street in accordance with the provisions of paragraph 18-2.4(d) and in conformance with a collection schedule to be promulgated annually by the Superintendent of Public Works. The piles shall not extend more than five (5) feet away from the curblines. The Superintendent of Public Works may require that leaves be bagged and shall provide the public with notice of such requirement.
  - d. Sweeping, raking, blowing or otherwise placing leaves that are not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and leaves shall not be placed closer than 10 feet from any storm drain inlet. Placement of leaves at the curb or along the street at any other time or in any other manner is a violation of this ordinance, and the party responsible for placement of the leaves must remove them from the street or said party shall be deemed in violation of this ordinance.
  - e. All weeds and similar growth clippings shall be placed in a container so that they may be easily emptied in the collector's vehicle. Collection of such materials will be done by appointment only.
  - f. Hedge and shrubbery clippings, tree trimmings and garden waste will be collected if tied in bundles not to exceed four (4) feet in length and not to exceed two (2) feet in diameter. The total volume placed at the curb for one (1) day's pickup shall not exceed ten (10) bundles and must be placed so that the material will not spill out into the gutter or onto the street or sidewalks. Collection of such materials will be done by appointment only.
  - g. The Borough will remove and chip limbs and small trees which do not exceed six (6) feet in length and five (5) inches in diameter, when placed at curbside in an orderly manner. Chipping will be done by appointment only.

- h. Removal from property of trees larger than five (5) inches in diameter and stumps or limbs which are larger than five (5) inches in diameter will be at the expense of the owner and shall not be the responsibility of the Borough.

**18-2.5 Procedures for Disposal of Grass Clippings; Schedule; Fee.**

- a. During the period from April 15 through October 15 of each year, the Borough of Hightstown Public Works Department will collect grass clippings from those residents wishing to dispose of them. Such collections will be made weekly on Mondays without the need for appointments.
- b. Grass clippings shall be kept separate from and not disposed of with regular garbage and refuse which is collected by the Borough.
- c. Grass clippings shall be contained in special biodegradable compost bags to be sold by the Borough. No grass will be collected that is not contained in compost bags purchased from the Borough. The bags will be available at the office of the Borough Clerk and at the Public Works office during normal business hours. In addition, bags may be sold through commercial/retail outlets located in the Borough, as approved by Resolution of the Borough Council.
- d. Bags will be sold at a price which reflects the per-bag cost of refuse, collection and disposal, which price may be revised from time to time by Resolution of the Borough Council..

**18-2.6 Recyclables to Become Borough Property After Placement at Curb.**

From the time of placement at the curb by any resident of recyclable materials for collection by the Borough pursuant to the program established hereby and the rules and regulations issued hereunder, such materials shall become and be the property of the Borough, and it shall be violation of this Section for any person, other than persons authorized by the Borough or the resident, to collect or pick up, or cause to be collected or picked up, such materials. Each such collection in violation hereof from one (1) or more residences during the period shall constitute a separate and distinct offense. Notwithstanding the foregoing, upon collection of the materials by the Borough's collection contractor, all such materials shall become the property of the Borough's collection contractor.

**18-2.7 Enforcement.**

The Borough of Hightstown Recycling Coordinator, Housing Official/Housing Inspector, and the Hightstown Borough Police Department are hereby authorized and directed to enforce this Section. Enforcement may include random inspections of garbage set out for disposal in order to determine compliance.

(Ord. No. 2015-16)

**18-2.8 Violations and Penalties.**

Any person, firm or corporation who violates or neglects to comply with any provision of this section or any regulation promulgated pursuant thereto shall, upon conviction thereof, be liable to the fine as stated in Chapter I, Section 1-5, except that the maximum fine for failure to comply with subsection 18-2.3 shall not exceed five hundred (\$500.00) dollars.

**18-2.9 Donation or sale of recyclables.**

Any resident may donate or sell recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit. The person, partnership or corporation may not, however, under any circumstances pick up the recyclable materials from the curbside in the Borough.

## Section 18-3

### ADOPTION OF COUNTY PLAN

#### Subsections:

**18-3-1 Implementation of Plan.**

**18-3-2 Enforcement.**

**18-3-3 Registration Requirements.**

**18-3-4 Violations and Penalties for Private Recyclers.**

**18-3-5 Violations and Penalties for Residents; Enforcement.**

**18-3-6 Construal of Provisions.**

#### **Subsection 18-3-1 Implementation of Plan.**

Pursuant to the Clean Communities and Recycling Act, N.J.S. 13:1E-92 et seq., each resident of the Borough shall be required to comply with the Recycling Plan of the Borough of Hightstown, adopting the Mercer County Recycling Plan to meet the State-mandated recycling goals. To effectuate and implement the Recycling Plan, it is hereby required:

a. Municipality:

1. The Borough of Hightstown hereby adopts this section to provide for recycling within its borders pursuant to the Recycling Act adopted herein and adopts the Mercer County Recycling Plan as its official municipal recycling program.
2. All municipal contracts for solid waste collection or disposal, or both, within the Borough shall be consistent with this section and the Mercer County Recycling Plan.
3. All persons occupying residential premises within the Borough shall, for the period from September 1 to December 31 of each year, source-separate leaves from solid waste generated at the residential premises in accordance with Section 18-2, Recycling, which is consistent with County Ordinance No. 89-19.
4. The Borough may deliver tires to the existing transfer station, or such site as may be designated by the Mercer County Improvement Authority, for transfer to a tire recycler.
5. The Borough shall, at a minimum, within thirty (30) days after the adoption of this section and at least once every six (6) months thereafter, notify all persons occupying residential, commercial and institutional premises within these municipal boundaries of recycling opportunities and the source-separation requirements of this chapter and the Mercer County Recycling Plan. In order to fulfill the notification requirements of this subsection, this municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.
6. Review and revision of Master Plan.
  - (a) The Borough shall, pursuant to N.J.S. 13:1E-99.16c, within thirty (30) days of the effective date of this section and at least once every thirty-six (36) months thereafter, conduct a review and make necessary revisions to the Master Plan and development regulations adopted pursuant to N.J.S. 40:55D-1 et seq., which revisions shall reflect changes in State, County and municipal polices and objectives concerning the collection, disposition and recycling of designated recyclable materials.

(b) The revised Master Plan shall include provisions for the collection, disposition and recycling of recyclable materials designated in this section and for the collection, disposition and recycling of designated recyclable materials within any development proposal for the construction of fifty (50) or more units of single-family residential housing or twenty-five (25) or more units of multifamily residential housing and any commercial or industrial development proposal for the utilization of one thousand (1,000) square feet or more of land.

b. Residents:

1. On and after the official commencement date of the County Recycling System within the Borough, each person residing in areas designated for recycling collection shall separate for curbside collection on designated collection days and such additional days as may be designated by the Mercer County Improvement Authority those materials designated in the Mercer County Recycling Plan as listed below and shall do so in the manner as set forth in this section.

2. All residents shall recycle or cause to be recycled, at a minimum, the following categories of recyclables:

- (a) Acceptable glass containers;
- (b) Acceptable metal containers;
- (c) Acceptable plastic containers;
- (d) Acceptable mixed paper;
- (e) Tires;
- (f) White goods;
- (g) Leaves;
- (h) Batteries;
- (i) Lawn and yard trimmings;
- (j) Tree branches and brush.

3. Any and all persons having been found to have violated the provisions of the Recycling Plan of the Borough will be assessed warnings, penalties and fines pursuant to subsection 18-3.5.

4. At the time of placement of recyclable materials designated for collection by the Recycling Plan of the Borough at the curb or street side of residential units, the material shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution by that resident to the County Recycling System for collection by the Mercer County Improvement Authority or its agent.

5. Any resident within the Borough may donate or sell designated recyclable materials to any person, whether operating for profit or not for profit, provided that the receiving person may not perform curbside collection under any circumstances unless that person has registered with the Mercer County Improvement Authority as a private recycler.

6. Batteries shall not be part of the curbside collection program but shall be disposed of in markets set forth in the Mercer County Recycling Plan Market Guide.

c. Private Recyclers:

1. Any person or group of persons wishing to collect recyclable materials shall register with the Mercer County Improvement Authority as a private recycler.

2. No private recycler shall conduct recycling collection activities within the Borough on designated County collection days.

3. Upon registration, each private recycler shall receive an identification-registration decal from the Mercer County Improvement Authority and shall prominently display the same on recycling vehicles when collecting recyclables within the Borough.

4. An ongoing condition of collection activities within the municipality shall be the submittal of certified weight tickets to the Mercer County Improvement Authority for material sold to quantify levels for State-mandated recycling goals. The tickets shall be submitted to the Mercer County Improvement Authority no later than thirty (30) days following the date of sale of the subject material. (1991 Code § 171-7; New)

**Subsection 18-3-2 Enforcement.**

The enforcement of the Recycling Plan of the Borough shall be provided individually and severally by the Borough with regard to enforcement of this section, the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection. (1991 Code § 171-8)

**Subsection 18-3-3 Registration Requirements.**

No person shall collect recyclables within the Borough unless he or she has registered with the Mercer County Improvement Authority and paid the requisite fee, unless an exemption has been granted by the Mercer County Ordinance No. 89-19. The identification-registration decal of each person so registered shall be prominently displayed on each recycling vehicle at all times while collecting recyclables within the Borough. (1991 Code § 171-9)

**Subsection 18-3-4 Violations and Penalties for Private Recyclers.**

a. Failure to register or to display the identification-registration decal on vehicles while collecting recyclables within the Borough shall subject such private recycler to a fine of two hundred fifty (\$250.00) dollars.

b. Any person or entity conducting recycling collection activities within the Borough on designated County recycling collection days shall be assessed a penalty of two hundred fifty (\$250.00) dollars per offense. (1991 Code § 171-10)

**Subsection 18-3-5 Violations and Penalties for Residents; Enforcement.**

a. Residents.

1. Any resident of the Borough who is found to have violated the provisions of this section shall be subject to the following procedures and penalties:

- (a) A warning on the first three (3) occasions that the section is violated; and thereafter
- (b) A cessation in the collection of garbage which contains recyclable materials from that household; or
- (c) A fine up to five hundred (\$500.00) dollars per day of violation, depending upon the extent and circumstances of the violation to be assessed pursuant to N.J.S. 13:1E-9 by the Mercer County Improvement Authority, as authorized hereby and pursuant to the inclusion of this section within the Mercer County Solid Waste Management Plan, or both.

b. The terms and provisions of this section may be enforced individually and severally by the Borough, the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection. (1991 Code § 171-11)

**Subsection 18-3-6      Construal of Provisions.**

This section shall constitute the adoption and approval of the Mercer County Recycling Plan as set forth in the amendment to the Mercer County Solid Waste Management Plan. (1991 Code § 171-12)