

Chapter 24 GARBAGE, REFUSE AND WASTE

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[HISTORY: Adopted by Mayor and Council of Borough of Wenonah as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Grass and brush removal — See Ch. 27.

ARTICLE I General Provisions [Adopted 6-10-1971]

- § 24-1. Legislative intent.

The improper storage of garbage and refuse is unsightly and a detriment to the preservation of public health. The control of the types and storage of garbage containers to prevent depredation by animals and the prevention of unsightly accumulations are therefore regulated for the preservation of the public health, safety and welfare of the residents of the Borough of Wenonah.

§ 24-2. Definitions.

The following terms used in this code and ordinance shall mean and include:

GARBAGE — Animal and/or vegetable waste solids resulting from the handling, preparation, cooking and/or consumption of foods.

PERSON — Includes an individual, partnership, association, corporation, tenant and/or occupant. [Amended 9-27-2001 by Ord. No. 01-21]

PREMISES — Land, buildings or other structures or vehicles or parts thereof upon or in which the refuse or garbage is stored.

REFUSE — Any used or unconsumed substance or waste material, combustible or incombustible, which has been discarded whether made of plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any unlighted cigarette, cigar, match or any flaming or glowing material, or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, plastic or paper containers or other packaging or construction material. [Amended 7-14-1988]

RUBBISH — Includes waste metal, tin cans, ashes, cinders, glass, pottery and all discarded substance of a solid and incombustible nature.

§ 24-3. Storage of refuse, rubbish and garbage.

Refuse, rubbish and garbage shall be stored for collection as follows:

- A. Garbage shall be drained and stored in durable, rust-resisting, nonabsorbent, watertight and easily washable containers which will have close-fitting covers and adequate handles or a securely tied plastic bag and which shall be of not more than 20 gallons in capacity. [Amended 9-27-2001 by Ord. No. 01-21]
- B. Refuse and rubbish shall be stored in durable containers with close-fitting covers, except that bulky refuse may be packed and bundled together and firmly tied so as to be easily handled and not to exceed four feet in length nor 50 pounds in weight. Cardboard boxes shall be flattened, and all such boxes, newspapers and other paper shall be firmly tied into bundles. No rubbish shall be stored in cardboard boxes.
- C. All containers for refuse, rubbish and garbage shall be kept in a proper state of repair and shall be free from nails and sharp edges and in a sanitary condition, and the contents shall be kept in such condition that they be readily removable.
- D. No refuse, garbage or rubbish shall be placed at the curb more than 24 hours prior to the regular collection day, and all containers shall be removed within 12 hours after collection, and no refuse shall be placed out for collection on Sunday prior to 9:00 p.m.
- E. All building materials for new buildings or remodeled buildings pursuant to building permits shall not be placed at curbs. The owner, occupant and/or contractor shall be responsible for the disposal of such items in the manner required by Chapter 46B. entitled "Debris Recovery Plan." [Amended 9-24-2009 by Ord. No. O-2009-14]
- F. No container shall be placed in the paved area of the street, or any part thereof, awaiting collection.
- G. It shall be unlawful for any residential property owner to store or to permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of bulky items. [Added 7-14-1988]
- H. It shall be unlawful for any residential property owner to store or to permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires. [Added 7-14-1988]
- I. It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property or on a commercial property. [Added 7-14-1988]

§ 24-4. Bulk refuse or rubbish. [Amended 3-23-2006 by Ord. No. 0-06-04]

Refuse, rubbish, tree trimmings and hedge trimmings shall be securely tied in bundles not heavier than 50 pounds and not

more than four feet in length, and/or placed in receptacles with securely attached lids. The foregoing may be placed at the curblin for collection.

§ 24-5. Business establishments.

The owner, agent, lessee, tenant or occupant of any premises whereon a business or industry is conducted shall arrange for the removal of refuse and rubbish from business or industry each day, unless sufficient and suitable facilities are provided and used for storage of such refuse and rubbish on such premises until removal of the refuse and rubbish from the premises.

§ 24-5.1. Placement of trash containers. [Added 9-27-2001 by Ord. No. 01-21]

All garbage, refuse and rubbish shall be placed between the curb and sidewalk accessible to the collector and shall be placed so as not to block the sidewalk or make said sidewalk hazardous or unusable or inaccessible to the public. The owner, tenant and/or occupant shall maintain the storage containers and area for the location of such materials as described herein in a clean and safe condition for handling and for purposes of collection.

§ 24-6. Leaves. [Amended 3-23-2006 by Ord. No. 0-06-04]

During the season specified by the Borough authorities for collection of leaves from the streets, leaves may be placed in the street not less than one foot from the curb or curblin of said street immediately abutting the premises, and pursuant to the requirements of Chapter 27 entitled "Grass and Brush Removal".

§ 24-7. Unregulated dumping prohibited.

No person shall place or deposit or dump, or allow, permit, aid or abet the placing or depositing or dumping of, any ashes, garbage, paper, refuse or rubbish of any kind upon a vacant property or on any of the highways or public streets of the Borough of Wenonah, except in conformity with the rules and regulations governing same or in accordance with the laws of the State of New Jersey.

§ 24-8. (Reserved)²

§ 24-9. Violations and penalties. [Amended 9-27-2001 by Ord. No. 01-21]

Any person violating or failing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the Borough for the detention of prisoners for any term not exceeding 90 days; by a period of community service not exceeding 90 days; and/or by a fine of not less than \$25 or more than \$100, at the discretion of the Judge. Each and every day such violation continues shall be deemed a separate and distinct offense.

§ 24-10. Severability.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

§ 24-11. Repealer.

All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed, and this ordinance is expressly intended to supersede, repeal and replace Chapters 7 and 24 of the Code of the Borough of Wenonah, New Jersey.

§ 24-12. When effective.

The provisions of this ordinance shall take effect immediately after its final passage by Borough Council and publication as provided by law.

ARTICLE II Roll-Off Dumpsters and Containers [Adopted 7-14-1988]

§ 24-13. Written consent required.

No person shall park or leave unattended any waste or refuse container commonly known as a "roll-off dumpster" or "roll-off container" on or along any highway or public property within the Borough of Wenonah without the written consent of the Building Subcode Official or Zoning Officer.

§ 24-14. Duration of consent; renewal.

- A. Any consent provided by said official shall be valid and remain in effect for a period of not more than 30 days and shall remain in effect only for such period during that 30 days as is actually necessary to complete the work involved.
- B. Such consent may be renewed by the appropriate Borough official upon application therefor and good cause having been shown in the sole discretion of said Borough official previously designated.

§ 24-15. Warning devices for placement near streets.

To warn the operators of vehicles of the presence of a traffic hazard requiring the exercise of unusual care, any roll-off dumpster or roll-off container parked on or along any Borough street or highway within the borders of the Borough of Wenonah shall be equipped with and display markers consisting of all-yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster or container at both ends nearest the path of passing vehicles facing the direction of oncoming traffic. These markers shall have a minimum mounting height of three feet from the bottom of the panel to the surface of the roadway.

§ 24-16. Violations and penalties.

Any person who violates this ordinance and who is convicted of violation of same shall pay a fine of not more than \$100 for each violation, or in default of a fine, imprisonment in the county jail for not more than 90 days may be imposed. Separate violations shall exist for each day that the consent is not provided or that the applicant has failed to comply with the displays required under the terms of this ordinance.

§ 24-17. Severability. [Added 3-23-2006 by Ord. No. 0-06-04]

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

§ 24-18. Repealer. [Added 3-23-2006 by Ord. No. 0-06-04]

All prior ordinances or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed to the extent of such inconsistencies.

§ 24-19. When effective. [Amended 3-23-2006 by Ord. No. 0-06-04]

This ordinance shall take effect immediately upon final passage and publication in accordance with law.

¹ Editor's Note: This ordinance specifically repealed former Ch. 24, Garbage Removal, adopted 5-15-1917. See § 24-11.
² Editor's Note: Former § 24-8, Refuse and rubbish disposal, was repealed 9-27-2001 by Ord. No. 01-21.