

**ORDINANCE NO. 5-2010**

**ORDINANCE OF THE  
BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY  
TO MODIFY THE CODE OF THE BOROUGH OF FRANKLIN  
REGARDING SOLID WASTE**

**WHEREAS**, the Mayor and Council of the Borough of Franklin has determined that the Code of the Borough of Franklin should be modified create a fee for the Collection of Solid Waste;

**WHEREAS**, the Borough needs to create a Solid Waste Utility in order to collect the fee;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Franklin:

Section 1.

The Code of the Borough of Franklin shall be modified to replace Chapter 230 in its entirety as follows:

CHAPTER 230 SOLID WASTES

ARTICLE I. SOLID WASTE UTILITY.

230-1 Created.

a. A solid waste utility is hereby created to transact the collection and disposal of solid waste, as provided by law.

b. Said solid waste utility shall be self-liquidating with a dedicated budget as provided by N.J.S.A. 40:14B-22.1 and 40A:4-34 through 40A:4-36.

230-2 Recovery of Costs; Fees.

The costs associated with the collection and disposal of solid waste shall be recovered as may be provided in the contract or contracts made by the Borough for such services, plus uniform fees fixed from time to time by the Borough Council and collected from the property owners to whom the service is available.

230-3 Service Charge.

There is hereby established a solid waste service charge to be imposed annually upon the owners of those properties for which solid waste collection and disposal service is made available by the Borough. The funds so collected shall be paid into the dedicated Solid Waste Utility Fund of the Borough of Franklin.

230-4 Computation of Service Charge.

The solid waste service charge for residential properties served, unless and until nonresidential properties are served, shall be computed by dividing the approved annual budget of the Solid Waste Utility by the number of residential units to which the service will be made available by the Borough. A single family house, individual condominium or townhouse shall be one residential unit. A multi-family house or apartment building shall have a number of residential units corresponding with the number of separate residences in the building.

230-5 Payment of Service Charge.

a. Upon approval of the annual service charge by the Borough Council, the Borough Tax Collector shall bill the owner of each property to which the service is available, based upon the number of residential units therein, during the first thirty (30) days of each year or as soon thereafter as is practical. The annual solid waste service charge shall be paid in four (4) equal installments, February 1, May 1, August 1 and November 1 each year.

b. The charges hereby imposed shall be payable to the Borough, and each payment shall draw the same interest as taxes upon real estate beginning thirty (30) days after the due date and shall be a lien upon the property to which service was made available until paid. The Borough shall have the same remedies for collection of the charges hereby imposed, with interest, costs and penalties, as it has by law for the collection of taxes on real estate.

c. Owner occupants of residential units served by the solid waste utility who are ages sixty-five (65) and older and who qualify for a New Jersey senior citizen property tax credit may apply for an annual twenty-five (\$25.00) dollar credit against the annual solid waste utility billing. Said applications must be in writing on a Borough provided form and must be updated as per New Jersey property tax requirements.

## ARTICLE H. GARBAGE COLLECTION

### 230-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### COMBUSTIBLE WASTES

Yard trimmings, rags, wood, cardboard and other combustible waste solids of a nonvolatile or explosive nature.

#### COMMINGLED

A combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

#### DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the Sussex County.

#### DISTRICT SOLID WASTE MANAGEMENT PLAN

The Sussex County Solid Waste Management Plan for residential and nonresidential generators.

#### GARBAGE

Animal or vegetable waste solids resulting from the handling, preparation, cooking and consumption of food.

#### MULTIFAMILY DWELLING

Any building or structure, or complex of buildings, in which two or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1 E-99.13a) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined in the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.

#### MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this chapter and any rules and regulations which may be promulgated hereunder.

#### MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of Hopatcong.

#### NONCOMBUSTIBLE WASTES

All solid waste material which does not burn.

## RECYCLABLE CLASS AND DEFINITIONS

01 - ALUMINUM CANS - Food and beverage containers made entirely of aluminum.

02 - ANTIFREEZE \_\_An automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

03 - COMPUTER PRINTOUT/WHITE LEDGER - All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).

04 - CONCRETE, ASPHALT AND MASONRY/PAVING MATERIAL - Asphalt, concrete, brick, cinder block, patio blocks, and other masonry and paving materials.

05 - CONSUMER BATTERIES - Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional, or household use (does not include lead acid batteries from vehicles).

06 - CORRUGATED - Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise, dunnage.

07 - GLASS CONTAINERS - All glass containers used for packaging food or beverages.

08 - HEAVY IRON - All structural steel or ferrous metal, cast-iron components.

09 - LEAD ACID BATTERIES - Batteries from automobiles, trucks, other vehicles and machinery and equipment, which shall be stored in a manner that protects them from the elements to avoid corrosion and leakage.

10 - LEAVES AND BRUSH - Leaves, brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources.

11 - MAGAZINE AND JUNK MAIL - Magazine stock, white and colored paper and envelopes, telephone directories and books.

12 - MERCURY CONTAINING DEVICES - Including fluorescent and compact tubes, high-intensity Discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.

13 - MIXED OFFICE PAPER - Items listed in computer printout/white ledger category when mixed with envelopes, manila folders and colored paper. Material is generated by commercial/institutional sources.

14 - NEWSPAPER - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grade Nos. 6, 7 and 8 news).

15 - PLASTIC CONTAINERS - Containers such as polyethylene terephthalate (PETE No. 1) soda bottles, high-density polyethylene (HDPE No. 2) milk, and water or detergent bottles.

16 - SCRAP AUTOS - Crushed or shredded automobile or truck bodies, excluding auto shredder residue or "fluff"

17 - STEEL CANS - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.

18 - STUMPS, LOGS AND TREE PARTS - Unfinished wood from land-clearing projects, storm damage or pruning activities.

19 - TEXTILES - Textiles larger than 15 inches by 15 inches (e.g., clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals).

20 - TIRES \_\_\_ Rubber-based scrap automotive and truck tires.

21 - USED CONSUMER ELECTRONICS - Any appliance used in a business that includes circuitry. Includes components and subassemblies of the electrode products. Examples include computers and peripherals, printers, copiers, VCRs, televisions, cell phones and fax machines, etc.

22 - USED MOTOR OIL - A petroleum base or synthetic oil whose use includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.

23 - WHITE GOODS AND LIGHT IRON - All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other nonstructural ferrous scrap.

24 - WOOD SCRAP - Unfinished lumber from construction or demolition projects, including pallets. "Unfinished" shall mean nonchemically treated (not pressure treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin coated or otherwise surface treated, and not laminated or bonded, and not similarly altered from its natural condition).

25 - NONFERROUS AND ALUMINUM SCRAP - All non-container aluminum, stainless steel, copper, zinc, brass, and other metals which generally do not rust.

#### RECYCLABLE MATERIAL

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

All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes, whether combustible or noncombustible. RESIDENTIAL UNIT

Each separate and distinct residential living unit with a separate address such as a single-family house, townhouse, condominium, or apartment.

#### RUBBISH

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes.

#### 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.

#### 230-7. Receptacle requirements.

A. The owner, agent, lessee, tenant, or occupant of every dwelling house or other premises where refuse accumulates shall provide and keep on such premises sufficient and suitable receptacles with tight-fitting covers for receiving and holding the refuse.

(1) "Sufficient" is defined for the purpose of this section to be at least one receptacle for each family unit or other occupant of premises and at least two such receptacles for each commercial or business establishment where the aforesaid refuse shall accumulate, but each occupant of premises shall provide sufficient receptacles to store all refuse which may be accumulated there between the times when such refuse is disposed of as hereinafter provided.

(2) "Suitable" is defined for the purpose of this section to be a watertight metal, rubber or plastic receptacle with a tight-fitting cover so constructed as to prevent spilling or leakage of its contents.

B. Each receptacle for use at a single residence shall have a capacity of not more than 32 gallons and be equipped with a pull handle or handles.

C. Receptacles for refuse from multi-dwelling units or industrial premises may have a greater capacity than that prescribed in Subsection B of this section, provided that they meet the other qualifications of a suitable receptacle and are equipped for handling by motorized equipment, cleaned and sanitized as needed after emptying and replaced by the same type of receptacle if removed for emptying.

D. Receptacles that are badly broken or otherwise fail to meet the requirements of this section may be classed as refuse and collected and disposed of as such by the person or agency responsible for the collection of refuse, provided that such receptacle shall not be collected if it appears to have been suitable under the definition of this section at some previous time without a written notice being delivered to the owner of the fact that the receptacle is not deemed suitable at least 10 days before the receptacle is collected.

E. Receptacles shall be conveniently located on premises for the storage of refuse and maintained in such a manner with the cover in place as to prevent creation of a nuisance or menace to public health.

#### 230-8. Preparation for collection.

A. Garbage shall be thoroughly and completely drained of all liquids, wrapped securely in paper or placed in paper bags and placed in a receptacle as herein described.

B. Combustible or noncombustible waste of such a nature that it cannot be deposited in a receptacle shall be securely and properly tied into bundles or packages to prevent spilling or scattering. The bundles or packages shall be of a size and weight to permit ease of handling by one man and shall be packaged or otherwise assembled in quantities weighing not more than 40 pounds.

C. The person occupying any premises whereon a business or industry is conducted shall arrange for the removal of refuse from such premises each day unless sufficient and suitable facilities are provided and used for the storage of such refuse within a building on such premises until the refuse is removed.

D. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

E. Bulk items such as carpets, furniture, TV's, mattresses building materials and white goods (stove, dishwashers, dryers, etc) will be picked up on the same day as your regular garbage collection at no cost.

Building materials must be cut to four (4) foot lengths, tied and bundled, not exceeding 50 lbs and not to exceed four (4) bundles per pickup.

230-9. Residential garbage collection.

A. Garbage shall be collected curbside at the nearest public street by a contractor contracted by the Borough of Franklin weekly on a schedule to be adopted by the Borough Council and posted in the municipal building.

B. The maximum number of containers per residential unit shall be (3) three.

C. Vegetative waste, including grass clippings and leaves, may not be disposed in the regular municipal solid waste collection. Leaves may be disposed of by placing them in biodegradable brown bags and placing them curbside on dates designated by the Borough Council for collection. Brush or limbs will also be collected, but brush or limbs are not to exceed a three (3) inch diameter, no longer than 4 foot lengths and should be bundled and tied.

D. Christmas trees will be collected during designated days in January. The trees must have the stand and ornaments removed and cannot be in plastic or other bags.

230-10. Commercial garbage collection.

All commercial property in the Borough of Franklin shall be responsible for entering into a contract with a private waste disposal company if their collection exceeds the weekly three (3) container limit.

230-11. Refuse disposal.

No refuse shall be disposed of except at a sanitary landfill established, conducted, operated and maintained in accordance with standards established by the State Department of Environmental Protection.

ARTICLE III. Mandatory Recycling

230-11. Items to be recycled.

All residential households shall recycle the following items which shall be picked up by the Borough's Garbage Contractor:

A. Yard waste.

B. Newspapers.

C. Glass.

D. Aluminum cans.

E. Tin and bi-metal cans.

F. White goods.

G. Plastic containers.

H. Magazines.

230-12. Businesses, institutions, industries and organizations.

All businesses, institutions, industries and organizations shall be subject to recycling the same items as residential households. However, additionally, the following items shall be recycled by all businesses, institutions, industries and organizations:

A. Corrugated paper; and

B. High-grade paper.

230-13. Methods of recycling.

No recyclables may be disposed of in the municipal solid waste. Residents shall have the following options, except that yard waste must be disposed of in accordance with § 230-9 and § 230-14:

A. Providing for recycling themselves.

B. Leaving recyclables at the curb on designated days for municipal collection in sturdy, reusable containers which are clearly marked.

C. Dropping off recyclables at the designated drop-off point at the Borough garage during the posted hours of operation.

230-14. Yard waste.

Yard waste may not be disposed of by including it in municipal solid waste.

A. Yard waste must be disposed of in one of the following two manners:

- (1) Residents may arrange for the recycling of their yard waste by transporting it to the county-designated composting site on their own; or
- (2) Residents may place their yard waste at curbside on dates designated by the Borough of Franklin for collection by the municipality. Collection by the Borough will be according to the following schedule each year:

(a) On the fourth (4) Monday of each month during the months of April through November.

(b) Before 7:00AM.

B. Yard waste to be collected by the Borough should be bagged in weather-resistant, ecology-safe paper bags or in containers not to exceed 32 gallons. The Borough will not accept loose yard waste.

C. The Borough will also accept limbs not exceeding three (3) inches in diameter and not exceeding four feet in length which are properly bundled and tied.

230-15. Newspapers and magazines.

All newspapers must be bundled and tied in stacks which do not exceed 12 inches in height or else the Borough's Garbage Contractor shall not collect the newspapers and the resident shall be responsible for providing for the recycling of the newspapers. All newspapers must be bound with sturdy, non-plastic string. All magazines left for collection must be kept separate from the newspapers to be collected by the Borough.

230-16. Glass.

The following restrictions apply to the recycling of glass:

A. Glass must be set out at the curb on designated days in sturdy, neat, reusable containers which should be clearly marked.

B. Window glass, industrial glass, light bulbs or ceramics shall not be designated as recyclable and must not be disposed of with recyclable glass.

230-17. Aluminum, tin and bi-metal cans.

Residential households may not dispose of aluminum cans, tin cans or bi-metal cans in the regular municipal solid waste. These items shall be recycled. All cans and scrap aluminum to be recycled shall be disposed of in sturdy, neat, reusable containers and must be clearly marked.

230-18. Plastic containers.

Residential households may not dispose of plastic containers in the municipal solid waste. All plastic containers must be recycled. All plastic containers to be recycled shall be disposed of in sturdy, neat, reusable containers and must be clearly marked.

230-19. Corrugated paper.

All businesses and other nonresidential institutions must recycle corrugated paper. All corrugated paper placed at the curb for municipal collection must be stacked in neat piles, and cardboard boxes shall be flattened.

230-20. High-grade paper.

All businesses and nonresidential institutions must recycle high-grade paper.

A. The Borough's Garbage Contractor shall, according to a schedule established by the Borough Council, collect nonresidential high-grade paper at the curb.

B. All high-grade paper must be stored neatly in a sturdy, reusable container clearly labeled with the phrase "high-grade paper."

230-21. Businesses and other nonresidential institutions.

Businesses and other nonresidential institutions shall provide for the recycling of designated items according to the following provisions:

A. If a business contracts with a private hauler in order to recycle items, the business or other nonresidential institution shall provide written documentation of compliance with the recycling plan to the Borough Clerk no later than April 1<sup>st</sup> of the succeeding year.

230-22. Mobile home parks, condominiums, cooperatives and townhouses.

Mobile home parks, condominiums, cooperatives and townhouse developments shall provide for the recycling of all items designated as recyclable by this Ordinance.

230-23. Enforcement agency.

The Borough Zoning Officer or an employee designated by the Borough Council in cooperation with the Borough Recycling Coordinator shall be the primary enforcement agencies for compliance with the provisions of this article.

230-24. Enforcement; violations and penalties.

Enforcement of this chapter shall be in accordance with the following methods:

A. Fines imposed by the Municipal Court in accordance with state law. Specifically, the fine for the first offense shall be in the amount of \$25, the fine for the second offense shall be in the amount of \$50 and the fine for each and every subsequent offense shall be pursuant to the penalties as provided for in Chapter 1, General Provisions.

B. Not picking up waste which is not in compliance with the provisions of this article.

C. The Borough, in its discretion, may place warning stickers on garbage receptacles.

D. Each violation shall constitute a separate offense.

230-25. Collection of recyclables unauthorized individuals prohibited.

A. Recyclable materials placed by a property owner at the curb for collection shall only be picked up, collected and recycled by the private recyclable operator with who said property owner has contracted or by the municipality or its duly authorized agents. No other person shall collect or pick up or cause to be collected or picked up any recyclables. Unauthorized collection of recyclables from a property owner's recyclables shall constitute a separate offense for each incident with each individual.

B. Recyclable materials deposited at the mobile depot shall be the property of the municipality. No person shall remove or cause to be removed any recyclable materials properly deposited in such mobile depot without the express written authorization of the Municipal Recycling Coordinator.

230-26. Private operators to provide information to municipality.

All private recycling program operators operating pursuant to the chapter shall provide the municipality with the following information:

A. A listing of the names and addresses of all property owners within the municipality who have contracted with them to collect their recyclables. This list must be updated on a monthly basis.

B. Private operators must submit written documentation to the Municipal Recycling Coordinator setting forth the total number of tons of recyclable materials collected during the preceding twelve-month period with the municipality. Such information must be submitted prior to April 1<sup>st</sup> each year.

230-27. Certain sale of recyclable materials permitted.

The provisions herein shall not be construed to prohibit groups or individuals who are authorized by the Municipal Recycling Coordinator from collecting or picking up recyclables at curbside or otherwise in such manner and under such terms and conditions as shall be imposed by the Municipal Recycling Coordinator. No collection shall interfere with the collection by the municipality or private recycling operators.

## Section 2.

The Code of the Borough of Franklin shall be amended to supplement Chapter 119 "Fees" follows:

230-4 Garbage Fee        \$71.00 per residential unit.

Section 3. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5: Effective Date.

This Ordinance shall take effect upon final passage and publication with the fee being effective July 1, 2010.

ATTEST:

\_\_\_\_\_  
Patricia A. Leasure, Borough Clerk

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Paul B. Crowley, Mayor

**NOTICE**

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on May 11, 2010 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on June 1, 2010 at 7:00 p.m. in the Franklin Elementary School, 50 Washington Avenue, Franklin, New Jersey.

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Patricia A. Leasure, Borough Clerk