

**ORDINANCE NO. HO – 15-02
BOROUGH OF NORTH PLAINFIELD
BOARD OF HEALTH
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN
SECTIONS OF THE NORTH PLAINFIELD BOROUGH HEALTH CODE
AND ENACTING NEW SECTIONS OF THE NORTH PLAINFIELD BOROUGH
HEALTH CODE AS TO CHAPTER XXVI, BOARD OF HEALTH, ARTICLE 8,
ENTITLED “STORAGE AND COLLECTION OF SOLID WASTE”**

WHEREAS, the Borough of North Plainfield Board of Health wishes to revise provisions of the current Board of Health Code of the Borough of North Plainfield.

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Borough of North Plainfield, County of Somerset, State of New Jersey, that the Board wishes to amend, revise and supplement the Board of Health Code of the Borough of North Plainfield as follows:

Section 1. Repeal in its entirety: Section 14.9, entitled “Solid Waste Collection Service” contained in Chapter XIV, Streets, Sidewalks and Sanitation.

Section 2. Create a new Article 8 of Chapter XXVI, entitled “Board of Health” of the North Plainfield Borough Code:

Chapter XXVI, Board of Health, Article 8, entitled “Storage and Collection of Solid Waste”

ARTICLE 8. Storage and Collection of Solid Waste.

26-8.1 Introductory provisions.

A. The Borough regulates the collection, storage and disposal of certain types of recyclable materials, bulk waste, hazardous waste, yard waste and refuse containers and dumpsters under various Sections of Chapter XIV of this Code, entitled “Streets, Sidewalks and Sanitation”. In the event of an inconsistency, applicable provisions of Chapter XIV shall govern and supersede applicable provisions of Article 8 for the types of waste which are described in Chapter XIV of the Borough Code.

B. Other governmental agencies, including the Federal Environmental Protection Agency, the State of New Jersey Department of Environmental Protection (NJDEP) and the

County of Somerset Division of Solid Waste Management regulate garbage, recyclables, hazardous materials and other types of waste. All such waste shall be disposed of in accordance with all applicable laws, ordinances, resolutions, rules, and regulations, including Article 8 of Chapter XXVI and Chapter XIV of this Code.

C. Chapter XXVI, Article 8 shall be read in conjunction with the applicable provisions in Chapter XIV when necessary.

D. Definitions

The following terms are incorporated in their entirety from *N.J.S.A. 40:66-1.1*. Any amendment of or addition to the statutory provisions shall be incorporated herein as if set forth at length herein. The following terms to be used in Chapter XXVI, Article 8 are defined as follows:

“Non-residential” shall include every other type of structure except a residential structure, including retail, commercial, business, institutional and industrial structures of every type.

“Proof of collection service” means a written record, log, bill or document evidencing receipt of service for the collection of solid waste for the preceding month from a duly licensed person or entity lawfully engaging in private solid waste collection services within the Borough.

“Regular solid waste collection service” means the scheduled pick-up and removal of solid waste from residential, commercial or institutional premises located within the boundaries of the Borough on a daily or twice weekly basis.

“Residential” shall include single and multi-family houses and multiple dwelling units within one or more structures.

“Responsible solid waste generator” means any property owner, tenant or occupant of any single-family residential dwelling or multiple dwelling, or the owner of any commercial or

institutional building or structure located within the boundaries of the Borough, who generates solid waste at those premises.

“Solid waste” means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids.

“Solid waste collection” means the activity related to pick-up and transportation of solid waste from its source or location to a solid waste facility or other destination.

“Solid waste container” means a receptacle, container or bag suitable for the depositing of solid waste, as further defined in Chapter XXVI, Article 8 of the Borough Health Code

26-8.2 Nuisance.

The storage, collection and/or disposal of solid waste in violation of any provision of this Article is hereby declared to be a nuisance and detrimental to public health.

26-8.3 Prohibition.

No responsible solid waste generator shall allow any solid waste to collect and/or remain upon said lot or premises beyond the normal collection day; provided, however, that this provision shall not be construed as interfering with construction activities under a duly issued building permit during the course of construction and within a reasonable time thereafter, or with neatly piled wood for household use.

26.8-4. Requirement.

Every responsible solid waste generator located within the boundaries of the Borough shall, if he or she has not already done so, enter into and maintain in effect a contract for regular solid waste collection service with any duly licensed person or entity providing private solid waste collection service within the Borough. The Borough Health Officer, by regular mail, may

at any time request proof of collection service from any responsible solid waste generator in the Borough. Failure to provide proof of service within ten (10) calendar days of receipt of such written request shall be a violation by the responsible solid waste generator of this Article.

26.8-5 Placement of Containers.

A. The keeping, storing and/or placing of solid waste containers must be accomplished in such a manner as to prevent creation of a nuisance or menace to public health. Throughout the entirety of the Borough, no solid waste container may be kept, stored or placed in the front yard of any premises at any time. They shall not be kept, stored or placed upon the street, sidewalk, or other public place nor at the front of the building nor in the front yard. All solid waste containers must be kept and stored in the rear yard of the property, behind and to the rear of the rear side of the main structure at the premises.

B. On collection days, the solid waste container(s) may be temporarily moved to the side yard for collection by the solid waste collector, no further than the front of the main structure at the premises. All solid waste containers shall be moved to the rear yard promptly after each collection.

26-8.6. Collection Schedule – Residential.

A. The responsible solid waste generator at a residential premises shall be required to have the solid waste removed from such premises at least two (2x) times per week during the period when the premises are occupied and used. This requirement for twice (2x) weekly pick-up shall not apply during any two (2) calendar day period prior to predicted severe weather such as a snowstorm or hurricane and shall also not apply for a period of four (4) calendar days after such severe weather events occur. These restrictions shall also not apply during periods of labor disputes or strikes involving applicable solid waste collectors.

B. Collection of solid waste at residential premises shall only be made during the hours from 6:00 A.M. to 7:00 P.M. prevailing time, Monday through Saturday.

26-8.7 Collection schedule - Non-residential.

A. The responsible solid waste generator at any non-residential premises shall be required to have the solid waste removed from such premises daily from Monday through Saturday during the hours set forth in subsections (B) and (C) below, unless sufficient and suitable facilities are provided and used for storage of the solid waste until its removal from the premises. This requirement for daily pick-up shall not apply during any two (2) calendar day period prior to predicted severe weather such as a snowstorm or hurricane and shall also not apply for a period of four (4) calendar days after such severe weather events occur. These restrictions shall also not apply during periods of labor disputes or strikes involving applicable solid waste collectors.

B. Collection of solid waste at non-residential premises located on Somerset Street between Craig Place and Jackson Avenue that is/are adjacent to residential premises shall be made only during the hours of 5:00 A.M. to 7:00 P.M. prevailing time, Monday through Saturday.

C. Collection of solid waste at all other non-residential premises shall be made only during the hours of 6:00 A.M. to 7:00 P.M. prevailing time, Monday through Saturday.

26-8.8 Solid waste containers

A. The responsible solid waste generator where solid waste accumulates shall provide and keep on such premises sufficient and suitable solid waste containers with tight-fitting covers, for receiving and holding of solid wastes.

(1) Sufficient is defined, for the purpose of this Article, to be at least one (1) solid waste container for each family unit or other occupant of premises and at least two (2) solid waste containers for each restaurant, market, store or similar establishment where solid waste shall accumulate.

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

B. Each solid waste container for use at a single residence shall have a capacity of not more than thirty (30) gallons and be equipped with a pull handle or handles.

C. Solid waste containers for use by multiple-dwelling units or commercial or industrial premises may have a greater capacity than thirty (30) gallons, provided they are watertight, constructed of metal or plastic and equipped for handling by motorized equipment. Such entities shall cause all solid waste containers to be cleaned and sanitized as needed after emptying. It shall be the responsibility of the owner of the multiple family dwelling to provide to its occupants with a sufficient number of solid waste containers for the deposit of non-recyclable waste materials to be disposed of as solid waste.

D. Solid waste containers that are badly broken or otherwise fail to meet the requirements of this Article may be collected and disposed of as such by the person or entity responsible for the collection of the solid waste.

E. Solid waste that is of such a nature that it cannot be deposited in a solid waste container shall be securely and properly tied into bundles or packages to prevent spilling or scattering. The bundles or packages shall be of a size to permit ease of handling by one (1)

person. Solid waste prepared for collection should be packaged or otherwise assembled in quantities weighing not more than fifty (50) pounds.

26-8.9 Solid waste collectors.

A. Licensing of solid waste collectors. The business of solid waste collection shall not be conducted in any manner on any public or private place, street or other premises within the Borough of North Plainfield without a license therefor having been issued by the NJDEP and any other licensing agency having jurisdiction over solid waste collectors.

B. All solid waste collectors shall be required to comply with this Code and with all other applicable laws, rules and regulations governing the collection and hauling of solid waste. All vehicles used for the collection or disposal of solid waste shall be equipped, maintained and operated as required under Federal and State laws, rules and regulations.

C. Rates shall be based upon all year or annual service and not on individual pickups. Rates shall apply to collections to be made at ground level from the rear or side of the main structure at the premises as required herein.

26-8.10. Violations.

Any person who violates any provision of, or order promulgated under, this Article herein shall, upon conviction thereof, be liable to a penalty of not less than One Hundred Dollars (\$100.00) for each violation. Each day a particular violation occurs shall constitute a separate offense.

NOW THEREFORE, BUT IT FURTHER ORDAINED THAT:

A. All ordinances, codes or parts of same inconsistent with any of the provisions of this Code or Ordinance are hereby repealed to the extent of such inconsistency.

B. In the event that any section, sentence or clause of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

C. This Ordinance shall take effect thirty (30) days after final passage according to law.

Date of Introduction: April 27, 2015
Date of Passage: April 27, 2015
Date of Publication:
Date of Adoption:

Roll Call
Ayes:
Nays:
Abstain:
Absent:

BOARD OF HEALTH OF THE
BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Secretary, Board of Health
Borough of North Plainfield

Lawrence La Ronde, Council President
Chairman, Board of Health

Approved by the Mayor:

Yes _____ No _____

Michael Giordano, Jr., Mayor

The above is a true copy of the Ordinance adopted by the Board of Health of the Borough of North Plainfield adopted at a regular meeting on _____, 2015.

BOARD OF HEALTH OF THE
BOROUGH OF NORTH PLAINFIELD

By: _____
Richard K. Phoenix, RMC
Board of Health Secretary