

## ORDINANCE 2025-05

### ORDINANCE ADOPTING AMENDMENTS TO ARTICLES I, II, AND IV OF CHAPTER 106, "GARBAGE, RUBBISH, REFUSE, AND RECYCLING," AND ESTABLISHING ARTICLE III, "BULK WASTE PICKUP" OF CHAPTER 106 OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the Borough of Kenilworth ("Borough") regulates the disposal of garbage, rubbish, refuse, and recycling materials pursuant to Chapter 106 of the Borough Code; and

**WHEREAS**, the Borough also provides bulk waste pickup services to the residents of the Borough through a bulk waste pickup program; and

**WHEREAS**, the Borough is revising its bulk waste pickup services program and wishes to codify these changes in Chapter 106 of the Borough Code; and

**WHEREAS**, the Borough has determined that it is in the best interest of the Borough to amend the Borough Code to further clarify and update the regulation of the disposal of garbage, refuse, and recycling materials, and to provide for the codification of the Borough's bulk waste pickup program; and

**WHEREAS**, the Borough now wishes to adopt the within ordinance amending Chapter 106 of the Borough Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey as follows:

**SECTION 1.** The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** Chapter 106 "Garbage, Rubbish, Refuse, and Recycling," Article I "Collection and Removal" of the Borough Code shall be amended as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as strikethrough.

#### **§ 106-1. Applicability.**

The collection, removal and disposal of garbage, rubbish and ashes shall include any and all waste matter in the Borough of Kenilworth, including all refuse that may be disposed of in Clean-Up Week but excepting manufacturing and industrial waste and ashes or cinders from buildings or from premises in which steam power is used for manufacturing purposes. If there should be any question as to what is intended to be collected and removed in the Borough, the **Superintendent of Public Works** ~~Public Works Chairman~~ shall be the judge of what was intended to be collected.

## **§ 106-2. Definitions.**

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

**BULK WASTE – A form of waste, which refers to large, discarded items generated from a residential use within the Borough of Kenilworth, that are too big to fit into a standard 30 Gallon container or receptacle, such as but not limited to the following items: furniture, area rugs, mattresses, box springs, counter tops, and cabinets. Further, items that are considered Designated Recyclable Material or Recyclable Material pursuant to §106-11 are not defined as Bulk Waste and shall not be collected as part of the Borough's Bulk Waste Collection program.**

**GARBAGE** — All kitchen refuse, animal or vegetable matter and offal, and all decaying and decomposing substances which may accumulate in the Borough, together with paper liners which may be used for sanitary purposes in containers.

**RUBBISH and REFUSE** — Includes all of the accumulations and waste substances from private houses and premises, boardinghouses, stores and all public places and shall include particularly such articles as ashes, paper cartons, wooden boxes, paper and paper materials, tin cans, rags, corn husks, grass, lawn and yard raking, hedge and plant trimmings, discarded household receptacles and utensils, toys and such other household equipment as may be discarded from a private residence, and such articles and things as are daily discarded from a private residence, and such articles and objects as are daily thrown into wastebaskets and rubbish containers, but shall not include building materials nor the refuse from any new building nor the refuse from any old building which is torn down in whole or in part nor trade waste from manufacturing plants, trees, tree branches, tree stumps nor waste from excavations, broken concrete or dead animals. If there should be any question as to what is intended to be collected and removed in the Borough, the Public Works **Superintendent** **Chairperson** shall be the judge of what was intended to be collected.

## **§ 106-3. Pickup of special items; preparation of materials for pickup.**

- A. All wastepaper, excelsior, rags, clothes, bedding, paper cartons, wooden boxes, hedge and plant trimmings, discarded household receptacles and utensils, toys and all other such items which may be discarded from time to time but do not fall within the classification of garbage and rubbish which would be in the realm of materials that are discarded normally on every collection day, shall be picked up **during the normal Bulk Waste collection days, which shall be determined on an annual basis by the Governing Body pursuant to §106-22** on the last collection day of each month.

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## **§ 106-6. Receptacle requirements.**

All ~~g~~Garbage, as defined, shall be deposited by the owner in a standard suitable container, ~~or bundle curbside.~~ “Suitable container” is defined to be a metal, rubber or plastic receptacle with a tight-fitting cover, so constructed as to prevent spilling or leaking of its contents.

Except as otherwise set forth herein, Each receptacle for use in a single-family residence shall have a capacity of not less than 20 gallons nor more than 32 ~~30~~—gallons and be equipped with a pull handle or handles. Plastic bags of any capacity and grade may not be used for the disposal of wet garbage. The total weight of any container shall not exceed 75 pounds. All bagged Garbage, as defined, shall be placed in a Suitable Container and not on the ground. A Suitable Container is permitted to exceed 32 gallons in size only if the Suitable Container is equipped with a minimum of two (2) wheels and a pull handle.

**§ 106-7. Hours of collection; placement and removal of receptacles.**

A. The Governing Body shall annually, at its Reorganization Meeting, determine the garbage collection schedule for the calendar year, which schedule shall be published to the Borough website, posted conspicuously at Borough Hall, and made available to the public by contacting the Department of Public Works for a copy of the schedule.

~~Collections shall start no earlier than 4:30 A.M. and shall be completed no later than 5:00 p.m., and H~~householders and other persons, firms and corporations shall place their garbage receptacles between the curb and the sidewalk, or in the absence of a curb and/or sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. In no event shall the garbage receptacle be located more than ten (10) feet from a curb and, if there is no curb, from the property line. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition and provide a clear and unencumbered path of access from the street to the garbage receptacles or containers. The placing of garbage, cleanup or recyclables at the curbside at any residence or buildings in the Borough shall not take place prior to 5:00 p.m. on the night before the regularly scheduled pickup day. All receptacles shall thereafter be removed from the curb no later than 7:30 p.m. on the day of collection.

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**SECTION 3.** Chapter 106 “Garbage, Rubbish, Refuse, and Recycling,” Article II “Mandatory Recycling” of the Borough Code shall be amended as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as strikethrough.

**§106-11. Definitions.**

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

**COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS** — Retail, wholesale, restaurants, taverns, schools, institutions, including government, warehouses, construction sites, factories, offices, etc., but specifically excluding fairs, parks, concerts, and other outdoor events.

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

**COVERED ELECTRONIC DEVICE** — A subset of electronic waste which shall include only the following: a computer central processing unit of a laptop computer or desktop computer, a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen

that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television, ~~and~~ cell phones, ~~and~~ tablets, ipads, smartwatches, **Network Video Recorders (NVR), and Digital Video Recorders (DVR)**.

**DESIGNATED RECYCLABLE MATERIALS** — Those materials designated below that shall be source-separated for the purpose of recycling. These materials include:

A. Designated materials for residential waste generators:

Aluminum, tin, ~~and~~ steel Corrugated cardboard, **Styrofoam, plastic films, and fluorescent lamps**

Electronic waste

Glass containers

Grass and brush

Household batteries, **NiCad and Lithium Ion batteries**

Leaves

Mixed paper

Motor oil

Motor oil filters

Newspaper

Office paper

Plastic containers (Nos. 1 and 2)

Tires

Vehicle batteries

White goods (air conditioners, refrigerators)

Wood

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**SECTION 4.** Chapter 106 “Garbage, Rubbish, Refuse, and Recycling,” Article III “Bulk Waste Pickup” of the Borough Code shall be adopted as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as strikethrough.

**§106-21. Purpose; definitions.**

- A. The purpose of this article is to establish a Bulk Waste pickup program in the Borough of Kenilworth, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.]
- B. Definitions.
  - i. BULK WASTE – Refer to § 106-2.
  - ii. CONSTRUCTION AND DEMOLITION WASTE: Waste building material and rubble resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements and other structures. The following materials may be found in construction and demolition waste: treated and untreated wood scrap; tree parts, tree stumps and brush; concrete, asphalt, bricks, blocks and other masonry; plaster and wallboard; roofing materials; corrugated cardboard and miscellaneous paper; ferrous and non-ferrous metal; non-asbestos building insulation; plastic scrap; dirt; carpets and padding; glass (window and door); and other miscellaneous materials; but shall not include other solid waste types.

**§106-22. Collections Schedule; limitations on bulk waste items.**

- A. The Governing Body shall annually, at its Reorganization Meeting, determine the Bulk Waste pickup schedule for the calendar year, which schedule shall be published to the Borough website, posted conspicuously at Borough Hall, and made available to the public by contacting the Department of Public Works for a copy of the schedule. If bulk waste pickup is not completed on a scheduled Friday, collections will resume on the following day, Saturday. If Bulk Waste collection falls on a regularly scheduled holiday, as determined by the Governing Body through official action, Bulk Waste collection shall be rescheduled for and occur on the same day of the following week.
- B. Each household unit is limited to no more than five (5) Bulk Waste items per pickup. Accordingly, no more than five (5) Bulk Waste items shall be placed outside for collection at a given time. If there are more than five (5) items placed outside for collection, the DPW will take the first five (5) items, based on operational capacity.
- C. Bulk Waste shall be placed between the curb and the sidewalk, or in the absence of a curb and/or sidewalk, as near to the street as not to constitute a danger, where such Bulk Waste shall be readily accessible to the collector without providing obstruction to pedestrians. In no event shall Bulk Waste be located more than ten (10) feet from a curb and, if there is no curb, from the property line. The owner or occupant of the premises shall provide a clear and unencumbered path of access from the street to the Bulk Waste.
- D. Residents can put Bulk Waste items out for collection no earlier than 6:00 P.M. the day before collection.

## §106-23. Rules.

In addition to the requirements set forth in this Article, the following rules shall apply to bulk waste pickup in the Borough.

- A. No vehicle, container, trailer, and/or structure shall block or obstruct bulk waste pickup. If Bulk Waste is inaccessible due to an obstruction, the Bulk Waste shall not be collected and the offender shall be in violation of this Article.
- B. Bulk Waste shall not contain any hazardous or dangerous items, any liquids, any electronic items, any item considered to be Construction and Demolition Waste, any Designated Recyclable Material or Recyclable Material pursuant to §106-11, and/or any chemicals.
- C. No person or business shall place or permit to be placed Bulk Waste of any kind from outside of the Borough of Kenilworth on any Borough property or any other area within the Borough intending that it shall be collected or received in any manner by the Department of Public Works. Each item so placed shall be deemed a separate violation of this section.

## §106-24. Enforcement; violations and penalties.

- A. The Police Department, Board of Health, Zoning Officer, and the Superintendent of the Department of Public Works are hereby designated as the enforcing agents pursuant to this article. Any summons issued pursuant to this article shall issue in the name of the Borough of Kenilworth and be prosecuted in the Municipal Court.
- B. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this article or any of the rules and regulations hereunder shall, upon conviction thereof, be subject to a fine not to exceed \$100 for a first offense and \$500 for a second and each subsequent offense.

**SECTION 5.** Chapter 106 “Garbage, Rubbish, Refuse, and Recycling,” Article IV “Dumping” of the Borough Code shall be amended as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as strikethrough.

## §106-25. Restricted Activity; use of dumpsters.

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### I. Dumping solid or liquid waste

1)No person shall, regardless of intent, dump, deposit or otherwise dispose of solid waste in excess of 0.148 cubic yard of solids or ~~30-5~~ U.S. gallons of liquids, whether for profit or otherwise, within the Borough of Kenilworth. The provisions of this subsection shall

not apply to the lawful disposal of solid waste at the Kenilworth Department of Public Works yard as may be permitted, from time to time, by the governing body or by the Department of Public Works. Any person who dumps, deposits or otherwise dispose of solid or liquid waste at the Department of Public Works yard without permission or proper authorization shall be subject to the fines and penalties as provided for herein.

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**SECTION 6.** If any section, paragraph, subdivision, sentence, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, sentence, clause, or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

**SECTION 7.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 8.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

Linda Karlovitch, Mayor