

Introduction date: October 15, 2019

Adoption date: October 28, 2019

**ORDINANCE 2019-17  
TOWNSHIP OF EASTAMPTON  
BURLINGTON COUNTY**

**AN ORDINANCE OF THE TOWNSHIP OF EASTAMPTON TO REPEAL  
AND REPLACE CHAPTER 444 OF THE TOWNSHIP CODE TO ADOPT  
NEW REGULATIONS AND REQUIREMENTS FOR SOLID WASTE COLLECTION**

**WHEREAS**, Eastampton Township (the “Township”) intends to commence automated trash collection in 2020; and

**WHEREAS**, with the commencement of automated trash collection, the Township Council of Eastampton (the “Council”) feels it is necessary and appropriate to adopt new regulations and requirements for solid waste collection; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Eastampton, County of Burlington, State of New Jersey as follows:

**SECTION 1.** Chapter 444 of the Township Code is hereby repealed and replaced in its entirety and shall now read as follows:

**CHAPTER 444 – Garbage, Rubbish and Refuse**

**§444-1 Definitions.**

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

**BRUSH** — Tree or hedge trimmings not less than two inches nor more than 8 inches in diameter that can be chipped.

**BULK TRASH** — Refuse and garbage that, due to its size, cannot fit into the automated trash collection container, except materials that can be recycled.

**COMPOSTING** – See Chapter 397-3 – Class C Recycling

**CONTAINER** — The automated trash collection container provided by the Township to each resident for the collection of garbage and refuse.

**CONCRETE** — Items made of cement, clay, sand, gravel and water to form such items as sidewalks, curbs, walls, bricks, blocks and patios. Brick pavers shall also be included under this definition.

**GARBAGE** — The meat and vegetable waste solids resulting from the handling, preparation,

cooking and consumption of foods.

**HAZARDOUS MATERIALS** — Paint, solvents, cleaners, stains, thinners, finish removers, acids, bases, gasoline, kerosene, oil, antifreeze, hydraulic fluid, fluorescent lights, batteries, pesticides, herbicides, propane, tank cylinders and all other dangerous, highly volatile or explosive matter, in either liquid, gaseous or solid form.

**LOGS** — Tree limbs or trunks over 8 inches in diameter

**METAL** — Ferrous and nonferrous metallic items that are not defined as "cans" under Chapter 227 or "hazardous materials" in this section.

**REFUSE** — Ashes, rubbish, tires and waste paper.

**RUBBISH** — Rags, old clothes, leather, rubber, carpets, pressure treated wood, excelsior, sawdust, tree or hedge trimmings other than brush, stumps, any other combustible solids not considered by the Township to be of a highly volatile or explosive nature, metal shavings, crockery and other similar materials that cannot be recycled per Chapter 397, but not the wastes resulting from building construction or alteration work. It shall also include any small accumulation of cellar or yard dirt.

**STREET, CURB, SIDEWALK or ALLEY** — Any accepted street, curb, sidewalk or alley.

**TIRES** — Rubber used for wheels on cars, trucks and farm equipment up to 48 inches in height and 12 inches or less in width. Not included in this definition is forklift tires or any other industrial-type tire.

**TRADE WASTE** — All material resulting from the prosecution of any business, trade or industry conducted for profit, and including but not limited to paper, rags, leather, rubber, cartons, boxes, wood, excelsior, sawdust, garbage and other combustible solids, except manure, not considered by the Township to be of a highly volatile or explosive nature, metals, metal shavings, wire, tin cans, cinders, earth and other materials.

**WASTE MATERIAL** — All or any garbage, refuse, waste paper or ashes, no matter how originating, wastes from building construction or alteration work or cellar or yard dirt.

**WASTE PAPER** — Waxed paper, plastic or foil-coated paper, envelopes with glassine windows, carbon paper, blueprint paper, food contaminated paper, soiled paper, thermal fax paper and all other paper products that cannot be recycled.

**WHITE GOODS** — Includes the following home appliances; refrigerators; freezers; dehumidifiers; air conditioners; washers; dryers; dishwashers; water heaters and stoves.

**WOOD** — Lumber (nonpressure treated), logs, plywood, moldings, wooden furniture and particleboard.

**§444-2 Removal of waste required; regulations.**

- A. Removal required. All waste material of any nature which shall be made and accumulated in the dwelling houses, hotels, stores, markets and other buildings or premises in the Township shall either be removed by the Township in accordance with the regulations set forth herein or by an authorized private collector, except that waste resulting from building construction or alteration work shall be removed as soon as possible by the owner of the premises or the contractor performing such work.
- B. Accumulation of waste restricted. No person shall accumulate or permit, suffer or allow the accumulation in any building or on any premises owned, occupied or controlled by him of any waste material for a period longer than the period from one collection day to the next ensuing collection day.
- C. Removal by Township. The Township, by its designated agents and employees, will collect and remove at no direct cost to the residents, dwelling house or other buildings in the Township only the waste matter as classified herein when such waste matter is placed into proper containers or bundles and offered for collection in the quantity and matter prescribed herein. Waste material that may be classified as refuse and garbage, as defined in § 444-1, will be collected by the Township on a once per-week basis, provided that these materials are prepared, held and stored in the manner required and provided that quantities as set forth are not exceeded.
- D. The Township will collect bulk trash on a monthly basis. Bulk shall consist of items such as old furniture, bedding, carpeting, pool covers and metal items such as bicycles. No waste materials of any kind that are generated from commercial activities or businesses, including handyman, repair services, retail store, offices, real estate agencies, landlords, contractors, agricultural enterprises. Residents doing minor repairs to the primary residence may put out small amounts of debris on their bulk day. No house/rental clean outs will be accepted.
- E. The Township will collect white goods on the first Friday of the month.
- F. Brush resulting from normal property maintenance or storm damage will be collected by the Township that is less than 8 inches in diameter. Brush resulting from lot clearing and/or tree removal for any purpose that is generated by a contractor hired by the owner, or done by the owner themselves, shall be the responsibility of the property owner.
- G. The Township shall not be obligated to collect any materials not left in a manner not in full compliance with the regulations provided herein nor garbage or refuse that is not left in the containers described herein and provided by the Township.
- H. No municipal employee shall collect any of the items referred to in §444-2 hereof unless and until such items are prepared for municipal collection and disposal, as referred to and as directed in §444-2, unless otherwise directed by the Director of Public Works.

I. Items not removed by the Township. Asphalt pavement, branches and brush over 8 inches in diameter, block, brick, concrete, decks, fences, masonry, roof shingles, sheds, sod, glass doors/windows over thirty six inches in diameter, and oversized tires by nature of their weight and size will not be picked up or disposed of by the township. Oversized items that will require two or more public works laborers to handle will be at the sole discretion of the Public Works Director or designee. The property owner shall make arrangements with a private company for their disposal.

J. Hazardous materials shall not be placed in a container or set out for collection either by itself or in conjunction with any other material. Residents are required to call the Department of Public Works for proper disposal of hazardous materials.

K. Township collectors not to enter buildings. Township refuse collectors are prohibited from entering upon any privately owned lands, streets, service areas, driveways, alleys or buildings or portions of any such building, such as a vestibule, kitchen, pantry, cellar or boiler room for the purpose of removing refuse material to the curb for collection except as provided in §444-2.

L. Only authorized persons to remove. It shall be unlawful for any person, except an employee of the Township in the discharge of his duties or an authorized waste collector, to collect, pick up, rake up or in any way disturb the garbage or other waste material of whatever nature deposited in any receptacle or laid or placed on any street or public place for collection in accordance with the provisions of this section.

M. Recyclable materials are collected curbside by Burlington County in accordance with schedules and regulations set forth by the County's Office of Solid Waste Management.

### **§444-3 Receptacles.**

A. Duty to provide. Residential refuse and garbage shall only be placed in the containers provided by the Township for that purpose. Effective the date of this chapter being adopted, each real property owner within the Township that is presently having his or her solid waste collected by the Township shall receive one automated trash collection container. The Township shall stock ninety-six-gallon size containers for the residents. Each such owner may purchase from the Township one additional container for collection by the Township at their cost as specified in the Township's Fee Ordinance. Subdivisions after the effective date of this chapter shall be required to purchase containers for use with the automated system from the Township at the Township's costs.

B. In industrial buildings, restaurants, businesses, markets, commercial stores or similar establishments, the receptacles shall be procured and maintained by the owner or tenant.

C. Number required. For the purposes of this section, "sufficient" shall mean at least one container. The Township shall collect no more than two containers from any separate parcel of real property.

**§444-4 Preparation of waste for collection.**

- A. Specifications. For the purposes of this section, "suitable" shall be defined as follows: For the properties identified above this shall only be the container provided by the Township. Such receptacles shall be cleaned and sanitized as needed after emptying, and the contents shall be collected and disposed of by an authorized private collector.
- B. Baskets prohibited. The use of baskets as receptacles for waste materials shall not be permitted.
- C. Damaged containers. The Township shall be responsible for maintenance of those containers identified in Chapter 444-3 letter "A". All other receptacles shall be maintained by the owner.
- D. Time of placing and removing. Weekly collection. It shall be unlawful for any person to place any container on any street, curb, sidewalk, or alley no earlier than 6:00 p.m. on the day before this day fixed for collection and no later than 6:30 a.m. the day of collection. It shall be unlawful for any person to allow or permit any empty container to remain upon such street, curb, sidewalk or alley more than 12 hours after the contents have been collected.
- E. Bulk collection. It shall be unlawful for any person to place any material for bulk collection on any street, curb, sidewalk or alley no earlier than the Wednesday before the day fixed for collection and no later than 6:30 a.m. the day of collection.
- F. Placement of receptacles. Each container shall be placed for collection just inside the curblin and at the place designated by the Township for collection, which shall be free from obstruction to the automated collection system operating as designed. Containers awaiting collection shall be stored or kept in such place so as not to become a nuisance to the occupants of any building, and at no time shall they be kept under or adjacent to the windows of any such building.
- G. Garbage. Garbage shall be thoroughly drained of all water, wrapped securely in paper or plastic bags and placed in a container.
- H. Refuse. Refuse shall be wrapped securely in paper or plastic bags and stored in a container as described in § 444-3 that may be the same container used to contain the wrapped garbage.
- I. Filling of containers. All containers used for the purpose herein described shall not be filled above the top rim of the container so as to prevent the hinged lid from properly closing, and when so filled shall be of such a weight not exceeding 200 pounds.
- J. Bulk trash. Materials of such nature that they cannot be deposited in the automated container due to their size shall be securely and properly tied into bundles or packaged to prevent spilling while being handled by the Township employees or while such bundles or packages are located on the sidewalk awaiting collection. The bundles or packages shall be of

a size and weight to permit ease of handling by one man and shall not exceed 50 pounds in weight. These bundles and packages will be collected on the scheduled bulk collection day.

K. Brush. Brush shall be stacked near the edge of the roadway with the cut ends all facing in one direction. Tree twigs, hedge trimmings and similar materials not meeting the definition of brush shall be cut to a length not to exceed four feet and neatly stacked in bundles not more than two inches thick and will be collected during brush pick-up during the months of April through December. Material that cannot be neatly stacked shall be placed in suitable receptacles and will also be collected during brush pick-up during the months of April through December.

L. Leaves. Leaves shall be placed loose or in piles in front of the homeowners' property. Leaves may not be placed on the sidewalk, gutters or streets where the same may be dispersed by wind, forces of nature, passersby or traffic, except during the months of November and December. Leaves or other material specified within this chapter shall not be burned in any street, alley, highway or property. Leaves shall be free of all branches, sticks, vines, and other debris. Mixed piles of brush and leaves will not be collected.

M. Grass. The Township encourages all residents to utilize mulching mowers to cut their grass and leave it in place.

#### **§444-5 Interference with Township agents prohibited.**

No person shall prevent or interfere with any agent or employee of the Township in the discharge of his duties in the collection of garbage, ashes or refuse or in the sweeping or cleaning of any street or in the removal therefrom of sweepings, ashes, garbage, rubbish, paper, snow, ice or other refuse material.

#### **§444-6 Scavenging prohibited; authorized collection only.**

No person shall break into, disturb, untie, or unbundle or remove or otherwise engage in rag picking or scavenging practices with respect to any container, bundle, package or box of solid waste that has been placed at the proper location for collection or removal, except the following solid waste collectors and except in accordance with the requirements of this chapter and state law and any contract not inconsistent with the provisions of this chapter and state law:

- A. Employees of the Township who are authorized and directed by the appropriate Township authority.
- B. Persons specifically authorized to remove solid waste by the owner of the premises from which it is being taken.
- C. Solid waste collection contractors.

#### **§444-7 Pet waste.**

- A. Requirements for disposal. All pet owners and keepers are required to immediately

and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

B. Exemptions. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

C. Enforcement. The provisions of this section shall be enforced by the Police Department and the Code Enforcement Officer of Eastampton Township.

**§444-8 Adoption of additional rules and regulations; unaccepted areas.**

A. Approval of containers; collection program. Trash placed for collection on nonaccepted private mobile homes within the Township must be placed in a type of container approved by the Township. The Director of Public Works Department or designee shall implement a fair and reasonable collection program for the mobile home developments.

B. Basis for adoption of section. This section is adopted based upon the unique factual circumstances presented by the mobile home development (constituting individually owned mobile parcels) and so recognized by the Township, and this section shall have no application to any other development or apartment complex or MACCS program to proposed trash collection on any other private property or undedicated and unaccepted roadways in the Township.

C. All trash and garbage collected within the Township of Eastampton shall be disposed of by the sanitary landfill or incinerator method in accordance with the standards for the design, operation and maintenance of sanitary landfills and incinerators contained in the State Sanitary Code.

D. Power to adopt. To ensure the effective operation of the provisions of this chapter, the Director of Public Works subject to the Township Manager approval is authorized to make, from time to time, such written rules, regulations or orders as may be necessary or expedient to further implement the provisions of this chapter.

E. Publication and filing. No rule, regulation or order shall be effective until it has been filed with the Township Clerk and published at least once in the newspaper in which Township ordinances are published.

F. Violations. No person shall violate any written rule, regulation or order made by the Director of Public Works pursuant to this chapter.

G. Collection from unaccepted areas. When it shall appear to be more efficient for collection by the Township, the Director of Public Works or designee subject to the Township Manager's approval, in his sole discretion, upon written request or permission by the owner, may authorize and order the Township collectors to enter upon and collect garbage and refuse placed at the curblineline or side line of such unaccepted streets, lanes, alleys, driveways, service areas or other thoroughfare or area as he may designate, subject to such

conditions as he may impose. Such collection service shall not be construed to be an acceptance of any such unaccepted thoroughfare or area.

H. Any residential home residing along the creek shall bring their garbage, rubbish and refuse to the area designated by the Township. The Township will provide the ninety six gallon receptacles.

**§444-9 Violations and penalties.**

A. Maximum penalty. For violation of any provisions of this chapter, the maximum penalty, upon conviction, shall be a fine not exceeding \$1,000 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not exceeding 90 days, or such combination of punishments as the Municipal Judge may, in his or her discretion, deem appropriate and just.

B. Separate violations. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation, except in those instances where state law mandates a minimum penalty to be imposed.

D. Minimum penalty. There shall be a minimum penalty of a fine fixed at an amount not less than \$100.

**SECTION 2. Repealer.** All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

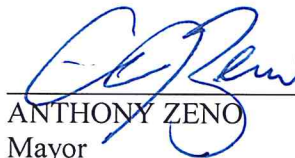
**SECTION 3. Severability.** If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Eastampton declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**SECTION 4. Effective Date.** The ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:



KIM-MARIE WHITE  
Municipal Clerk

  
ANTHONY ZENO  
Mayor



Adopted: October 28, 2019

Introduced October 15, 2019

<b>Council</b>	<b>Motion</b>	<b>2<sup>nd</sup></b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Councilman Apgar			X			
Councilman Besko			X			
Councilman Santillo		X	X			
Councilman Springer	X		X			
Mayor Zeno			X			
		<b>VOTE</b>	5	0		

Adoption: October 28, 2019

<b>Council</b>	<b>Motion</b>	<b>2<sup>nd</sup></b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Councilman Apgar			X			
Councilman Besko		X	X			
Councilman Santillo	X		X			
Councilman Springer			X			
Mayor Zeno			X			
		<b>VOTE</b>	5	0		