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**Chapter 49A**

**SOLID WASTE**

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**[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 4-26-1995 by Ord. No. 9-1995. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Air pollution — See Ch. 18.  
Littering, property maintenance — See Ch. 40A.  
Abandoned Refrigerators — See Ch. 45.  
Public health nuisances — See Ch. 64.

**§ 49A-1. Definitions.**

The following terms used in this Code and chapter shall mean and include:

**ALUMINUM CANS** — Beverage containers made of 100% aluminum.

BRUSH — Branches, woody plants and other like vegetative material that do not exceed five inches in diameter, and Christmas trees. "Brush" does not include leaves and grass clippings.

CORRUGATED CARDBOARD — Such cardboard from residential, commercial and office sources.

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

GLASS — Food and beverage containers commonly known as "jars" and "bottles" in the colors of clear, brown and green.

MIXED PAPER — Glossy inserts, magazines, junk mail, colored paper, computer paper, office paper and fine paper.

MOTOR OIL — Discarded petroleum-based or synthetic lubricating oil from automobile and other engines.

PLASTIC CONTAINERS — Soda bottles made of PETE (SPI code No. 1) and milk, water and laundry product bottles made of HDPE (SPI code No.2).

RECYCLABLE MATERIALS — Items such as newspapers, cardboard or similar materials required to be recycled hereunder and as may be designated by the Department of Public Works.

REFUSE — Garbage, combustible and/or noncombustible waste solids.

STEEL CANS — Tin plated, bimetal and other ferrous food and beverage containers.

TEXTILES — Clean, dry clothing or other fabric measuring at least one foot by one foot in size.

USED NEWSPAPERS — Including paper of the type commonly referred to as "newsprint," but not including magazines, periodicals, books and such other paper products of a similar nature.

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VEGETATIVE WASTE — Grass clippings, garden cuttings and leaves.

§ 49A-2. Refuse and recyclable receptacles.

- A. The owner, agent, lessee, tenant or occupant of every dwelling or other premises where refuse and recyclables accumulate shall provide and keep on such premises sufficient and suitable receptacles for receiving and holding refuse and recyclables and as required hereunder.
- (1) Sufficient receptacles, for the purpose of of this section, shall be at least one receptacle for each residential unit or commercial or office use where refuse shall accumulate as well as such containers as hereinafter prescribed for recyclables.
  - (2) Suitable receptacles, for the purpose of this section, shall be watertight metal or plastic receptacles, with a tight-fitting cover for receptacles holding refuse, secured so as to prevent spilling or leakage of contents or as may be hereafter required. Each receptacle utilized for refuse by a residential, commercial or office use shall have a capacity of not more than 30 gallons and be equipped with a pull handle or handles.
  - (3) Receptacles for refuse from multidwelling units or industrial premises may have a greater capacity than that prescribed in Subsection A(2), provided that such receptacles are:
    - (a) Watertight.
    - (b) Constructed of metal or plastic.
    - (c) Equipped for handling by motorized equipment.
    - (d) Cleaned and sanitized as needed after emptying.

- (e) Replaced by the same type of receptacle if removed for emptying.
- B. Receptacles that are badly broken or otherwise fail to meet the requirements of this section may be considered as refuse and collected and disposed of as such by the person or agency responsible for the collection of refuse.
- C. Receptacles of refuse and recyclables shall not be placed for collection except during daylight hours of the day scheduled for collection or not sooner than sundown of the day prior to the day of collection.
- D. Receptacles for storage of refuse and recyclables shall be conveniently located and maintained in such manner as to prevent creation of a nuisance or menace to public health.
- E. Receptacles for recyclables shall be utilized as required in § 49A-3.1B hereof.

**§ 49A-3. Preparation of refuse for collection.**

- A. Garbage shall be thoroughly and completely drained of all liquids, wrapped securely in paper or plastic and placed in a receptacle as described in § 49A-2 hereof.
- B. Paper shall be secured and properly tied into bundles or other packages in a manner to prevent any scattering while awaiting or during collection. The bundles or packages shall be of a size and weight to permit ease of handling and as further required hereunder.
- C. Refuse and recyclables, which cannot be deposited in a receptacle, shall be securely and properly tied into bundles or packages to prevent spilling or scattering as required hereunder. The bundles or packages shall be of a size and weight to permit ease of handling by one man.
- D. Refuse prepared for collection shall not be packaged or otherwise assembled in quantities weighing more than 50 pounds.

- E. Each property owner shall dispose of all vegetative waste (grass clippings and garden cuttings) on site or employ a lawn service for disposal.

**§ 49A-3.1. Mandatory recycling.**

- A. No person shall dispose of used clean newspapers, glass, aluminum cans, high-grade office paper, corrugated cardboard, brush, leaves, motor oil, steel cans, plastic containers (PETE – SPI code No. 1 and HDPE – SPI code No. 2), mixed paper, textiles, Christmas trees and grass clippings. Said materials shall be recycled through a program established by the Borough of Helmetta for collection or resale. From the time that said recyclable materials are placed at the curb for collection, the newspapers, glass, aluminum cans, high-grade office paper, corrugated cardboard, brush, leaves, motor oil, steel cans, plastic containers (PETE – SPI code No. 1 and HDPE – SPI code No. 2), mixed paper, textiles, Christmas trees and grass clippings shall become the property of the Borough of Helmetta. It shall be a violation of this chapter for any person other than the Borough of Helmetta, its agents, servants, employees or duly authorized contractors to tamper with or remove such materials, except as otherwise set forth herein. Each violation of this section shall constitute a separate and distinct offense. **[Amended 4-26-1995 by Ord. No. 11-1995; 5-24-2000 by Ord. No. 10-2000]**
- B. Rules and regulations; education/awareness program.
- (1) Rules and regulations to be promulgated.
- (a) The Department of Public Works is hereby authorized and directed to establish and promulgate regulations, including but not limited to the manner, days and times of such collections and the bundling, handling, location and time of placement of all materials required to recycle hereunder. At a minimum,

recyclables shall be separated and prepared for collection as follows:

- [1] Newspaper and corrugated cardboard shall be placed at curbside in segregated, tied bundles not greater than 12 inches in height.
- [2] Mixed paper, including office paper, shall be placed at the curb in an appropriate mixed paper container.
- [3] Glass containers, aluminum cans, plastic containers and steel cans shall be commingled in a commingled container.
- [4] Textiles shall be segregated in an appropriate textile bag.

(b) These regulations shall be promulgated and effective not later than May 1, 1995. The regulations shall be published and circulated within the borough at least 30 days prior to the effective date thereof.

(2) Education/Awareness Program.

(a) The Department of Public Works shall promulgate a public education/awareness program which shall also be coordinated with such a program as may be developed and implemented by the Middlesex County Improvement Authority if the borough shall be a participant in a county-wide recycling program. The program, at a minimum, shall provide that a notification be sent to all residents informing them of the designated recyclables required to be source separated under the terms of this chapter and shall include the schedule for collection, manner in which the designated recyclables are to be prepared for collection and provide for posting or publication of such notification not less than

twice yearly by one of the following forms of notice:

- [1] An advertisement in a newspaper circulating in the borough.
- [2] A posted notice in public places where public notices are customarily posted.
- [3] Inclusion of a notice with other official notifications periodically mailed to residents, such as, for example, tax notices.

(b) The Department may prepare and distribute additional literature and other educational materials describing, among other things:

- [1] The municipal recycling program established pursuant to this chapter.
- [2] Any county-wide recycling program and the recycling services to be provided within the geographic boundaries of the borough.
- [3] The designated recyclables to be source separated.
- [4] The manner or method of preparing source-separated material for collection.
- [5] The location and schedules for collection.

(c) All such literature and other educational materials shall be prepared in accordance with written guidelines established by the Middlesex County Improvement Authority in the event that the borough is participating in a county-wide recycling program and shall be approved by the Authority prior to distribution.

C. Mandatory compliance. On or after May 1, 1995, it shall be mandatory to separate newspapers, glass, aluminum cans, high-grade office paper, corrugated cardboard, brush, leaves, motor oil, steel cans, plastic containers (PETE - SPI code No. 1 and HDPE - SPI code No. 2),

mixed paper, textiles, Christmas trees and grass clippings from all other solid waste generated or disposed of by persons subject to this chapter. **[Amended 4-26-1995 by Ord. No. 11-1995; 5-24-2000 by Ord. No. 10-2000]**

D. Collection by others. The Borough Council may in accordance with its statutory authority and with the approval of the Middlesex County Improvement Authority, if the borough shall be participating in a county-wide recycling program, negotiate and enter into agreements to permit nonprofit groups to make collections of used newspapers, glass, aluminum cans, high-grade office paper, corrugated cardboard, brush, leaves, motor oil, steel cans, plastic containers (PETE – SPI code No. 1 and HDPE – SPI code No. 2), mixed paper, textiles, Christmas trees and grass clippings. **[Amended 5-24-2000 by Ord. No. 10-2000]**

E. Additional collection requirements.

- (1) All recyclable material described hereunder shall be placed at curbside for collection. No callbacks for a regularly scheduled collection shall be permitted.
- (2) Glass and plastic receptacles shall have lids removed and contents rinsed clean, and aluminum and steel cans shall be rinsed and placed in properly identified containers.
- (3) Brush (tree parts, limbs and twigs) shall be piled neatly at the curb on the designated collection day.
- (4) If the borough shall undertake leaf collection and/or grass clippings, such leaves and/or grass clippings shall be raked to the area between the sidewalk and curb and not in the street so as to keep them from blocking the roadway or clogging storm drainage in accordance with the designated collection schedule. **[Amended 5-24-2000 by Ord. No. 10-2000]**

F. Scavenging unauthorized. No ragpicker, scavenger, or any unauthorized person shall break into, untie or

otherwise unbundle any container, bundle or pack of paper, refuse, garbage, trash or recyclables that have been placed at curbside for the collection thereof.

- G. Enforcement. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Borough of Helmetta, the Department of Public Works and the Helmetta Police Department.

**§ 49A-4. Commercial, office and industrial establishments.**

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

**§ 49A-5. Refuse disposal.**

Refuse shall be disposed of only through use of sanitary landfills established, conducted, operated and maintained in accordance with standards established by law of the state of New Jersey and/or incinerators constructed, operated and maintained in accordance with law, code or regulation of the State of New Jersey or by such other methods of disposal as may be permitted by law.

**§ 49A-6. Collection of refuse and receptacles; vehicles.**

- A. Collection of refuse and recyclables shall not be conducted in any manner on any public or private place, street or other premises within the borough except in accordance with the terms of this chapter and other applicable requirements of law.
- B. Vehicles used for the purpose of collecting refuse or recyclables from receptacles as prescribed by the

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provisions of this chapter shall be loaded in such fashion that no part of the contents shall fall, leak or spill therefrom.

**§ 49A-7. Nuisance defined.**

The storage, collection or disposal of refuse in violation of any provision of this chapter is hereby declared to be a nuisance and detrimental to the public health.

**§ 49A-8. Violations and penalties.**

Any person, company, firm or corporation who or which shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding \$500 or to imprisonment for not more than 90 days, or both, such fine or imprisonment in the discretion of the court. The continuation of such violation on succeeding days shall constitute a separate offense.