

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 281 OF THE CODE OF THE BOROUGH OF EATONTOWN ENTITLED "SOLID WASTE" TO ADD AN ARTICLE REGULATING THE COLLECTION OF BULK TRASH; TO REGULATE THE PLACEMENT OF SOLID WASTE AND RECYCLABLE CONTAINERS FOR COLLECTION; AND TO CREATE UNIFORMITY OF PENALTIES FOR VIOLATION OF THIS CHAPTER

WHEREAS, the Borough of Eatontown (the "Borough") is authorized, to enact ordinances necessary for public, health safety and welfare; and

WHEREAS, the placement of bulk trash, garbage and recyclables for collection often creates a nuisance and/or unsafe conditions for the residents of the Borough; and

WHEREAS, the Borough Council believes it is in the best interests of the Borough's residents to regulate when and how such items can be placed for collection;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 281 of the Code of the Borough of Eatontown, entitled, "Solid Waste" shall be amended as follows:

SECTION 1

Chapter 281 of the Code is amended by adding the following Article:

ARTICLE IV BULK TRASH

§281-21 Bulk Trash Placement.

- A. **Bulk Trash** Shall consist of, but not limited to: old furniture, rugs, mattresses, household articles of an unwieldy nature, light metal, appliances and other bulky trash usually disposed of by households, excluding construction materials, tires, paint cans and propane tanks.
- B. The owner or their agent, lessee, tenant or other occupant of any residential private dwelling may dispose of bulk trash items by placing bulk trash items at the curb line in accordance with subsection 281-22.

§ 281-22 Placement.

All bulk trash disposed of by residents shall be placed at the curb line, but in no case within the street or gutter line. Bulk trash shall be placed at the curb line between 6:00 p.m. and 11:00 p.m. on the Sunday prior to the scheduled collection week.

§ 281-23 Schedule.

The Director of the Department of Public Works shall promulgate the bulk trash collection schedule annually, subject to approval by the Business Administrator.

§ 281-24 Storage and Removal of Receptacles.

Bulk trash awaiting collection shall not be stored on the curb line or any part of the street or sidewalk or front yard of the property or kept in such place or places so as to become a nuisance to the occupants of any neighboring dwelling. No owner or their agent, lessee, tenant or other occupant of any building shall allow or permit empty receptacles, cans, containers or barrels to remain on the curb line or any part of the street or sidewalk or front yard of the property past 10:00 a.m. of the day following collection.

§ 281-25 Exclusions.

- A. This section shall not apply to materials generated from non-residential properties. Such materials shall not be collected by municipal services.

- B. This section shall not apply to materials generated by a contractor connected to work for which a building permit is required, such as excavating, construction and demolition, alterations or repair of any building or premises. Such materials shall not be collected by municipal services.

§ 281-26 Violations

Any person who violates or neglects to comply with any provisions of this article shall, upon conviction thereof, be punishable by a fine/penalty not to exceed the following amounts:

- (1) For a first offense: \$25 to \$100.
- (2) For a second offense: \$50 to \$250.
- (3) For a third and subsequent offense: \$100 to \$1,500 and/or the performance of community service in the recycling program, for a period not to exceed 90 days.

SECTION 2

Section 283-3, subsection F of the Code of the Borough of Eatontown ("Borough Code") shall be amended as follows (additions are underlined; deletions are ~~stricken~~):

§281-3 Refuse Receptacles

F. Receptacles of refuse shall not be set out for collection except during the hours of the day or days scheduled for collection of refuse, or the evening before. Receptacles awaiting collection shall not be stored on the curb line or any part of the street or sidewalk or front yard of the property or kept in such place or places so as to become a nuisance to the occupants of any neighboring dwelling. No owner or their agent, lessee, tenant or other occupant of any building shall allow or permit empty receptacles, cans, containers or barrels to remain on the curb line or any part of the street or sidewalk or front yard of the property past 10:00 a.m. of the day following collection.

SECTION 3

Section 283-12, of the Code of the Borough of Eatontown ("Borough Code") shall be amended as follows (additions are underlined; deletions are ~~stricken~~):

§ 281-12 Violations and penalties.

~~Any person, firm, partnership or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not less than \$25 nor more than \$100 for each violation. Each day that a violation exists hereunder shall be considered a separate violation~~

Any person who violates or neglects to comply with any provisions of this article shall, upon conviction thereof, be punishable by a fine/penalty not to exceed the following amounts:

- (1) For a first offense: \$25 to \$100.
- (2) For a second offense: \$50 to \$250.
- (3) For a third and subsequent offense: \$100 to \$1,500 and/or the performance of community service in the recycling program, for a period not to exceed 90 days.

SECTION 4

Section 283-13, subsection B of the Code of the Borough of Eatontown ("Borough Code") shall be amended as follows (additions are underlined; deletions are ~~stricken~~):

§281-13

- C. Residences, businesses and institutions provided with recyclables collection service by the Borough shall place all designated recyclables in the appropriate containers at curbside or other area(s) in the manner and schedule as regularly published and distributed by the Borough. Containers awaiting collection shall not be stored on the curb line or any part of the street or sidewalk or front yard of the property or kept in such place or places so as to become a nuisance to the occupants of any neighboring dwelling. No owner or their agent, lessee, tenant or other occupant of any building shall allow or permit empty receptacles, cans, containers or barrels to remain on the curb line or any part of the street or sidewalk or front yard of the property past 10:00 a.m. of the day following collection.

BE IT FURTHER ORDAINED, that

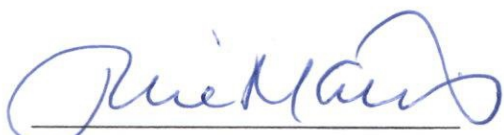
- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: July 28, 2021

DATE ADOPTED: August 11, 2021

ATTEST:

APPROVED:



Julie Martin, RMC, Borough Clerk

Date: 8-12-2021



Anthony Talerico, Jr., Mayor