

## TITLE XV SOLID WASTE MANAGEMENT

### Chapter Listings:

- Chapter 1. Definitions
- Chapter 2. General Administrative Provisions
- Chapter 3. General Sanitation Requirements For Vehicles Carrying Solid Waste
- Chapter 4. Collection and Disposal
- Chapter 5. Containerized Yard Waste
- Chapter 6. Disposal Facilities and Illegal Dumping
- Chapter 7. Reserved
- Chapter 8. Brush, Weeds, Waste Matter and Debris
- Chapter 9. Littering
- Chapter 10. Inoperable Vehicles
- Chapter 11. Reserved
- Chapter 12. Recycling
- Chapter 13. Recycled Product Procurement Policy
- Chapter 14. Solid Waste Management Requiring Uniform Packaging Practices
- Chapter 15. Ozone-Depleting Compounds
- Chapter 16. Improper Disposal of Waste into Municipal Storm Sewer System

## CHAPTER 1 DEFINITIONS

### 15:1-1. DEFINITIONS.

When used in this Title, the following shall mean and include:

**Bulky household waste or bulk items** shall mean household items that include couches, tables, chairs, mattresses, dressers, closets, rugs, exercise equipment and vanities. The terms shall not include doors, windows, televisions, concrete, rocks, dirt, sheetrock or any construction debris.

**Clean fill** shall mean clean soil which contains nonsaturated soil material and which is generally free from bricks, masonry material, rocks over four (4) inches in diameter, wood, trees, brush, glass, rubber, plastic, oil, rubbish, or any garbage or discarded material.

**Commercial source** shall mean wholesale, retail or service establishments, including, but not limited to restaurants, markets, retail and wholesale outlets, theaters, hotels, warehouses, all post-secondary schools, hospitals, houses of worship, institutions, research facilities, offices and gas stations.

Any amount of waste produced by any of the aforementioned sources shall also be considered as a commercial source: all County, State and Federal buildings, all nonmunicipal govern-mental and/or quasi-governmental buildings, any premises which is presently or does in the future receive a tax abatement under the provisions of N.J.S.A. 40A:20-1 et seq., "Long Term Exemption," any establishment that holds a type "C" consumption, type "D" distribution or a "Broad C" type license from the City of Newark according to "Title 4—Alcoholic Beverages" of these Revised General Ordinances.

Nothing in this paragraph shall be construed as to apply to those residential premises under the jurisdiction of the Newark Housing Authority.

**Director** shall mean the Director of the Department of Public Works.

**Disposal facility** shall mean a facility to which solid waste is brought for disposal and one that is properly licensed and permitted under the laws of the State of New Jersey.

**Garbage** shall mean the meat and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods. Garbage shall be considered to originate primarily in kitchens.

**Hazardous refuse** shall mean any waste which poses a present or potential threat to human health, living organisms or environment. It shall include waste material that is toxic, corrosive, irritating or sensitizing, radioactive, biologically infectious, explosive or flammable.

**Litter** shall mean any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, can or jar, any unlighted cigarette, cigar, match or any flaming or glowing material, or any garbage, trash, refuse, debris, rubbish, grass clipping, or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or their packaging or construction material.

**Liquid pollutant** shall mean any liquid that, if introduced to the potable water supply, may result in contamination thereof. The term shall include, but not be limited to, oil and grease, liquid detergent, solvents, fuel, paint and pesticides.

**Mechanical refuse container equipment** shall mean any container or equipment used in conjunction with vehicles designed and/or equipped with hoisting mechanisms for either dumping refuse or loading a container onto a truck chassis.

**Owner** shall mean any person who has legal title to any dwelling, with or without accompanying actual possession thereof; or, who has equitable title and is either in actual possession or collects rents therefrom; or, who as executor, executrix, trustee, guardian, or receiver of the estate of the owner, or as mortgagee or as vendee in possession either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, has charge, care or control of any dwelling or rooming house. Any person who is a lessee or assignee subletting or assigning any part or all of any dwelling or building shall have joint responsibility over the portion of the premises sublet or assigned, and any person who is designated by the owner and who agrees to be in charge of the premises and who is registered with the Department of Public Works, Division of Sanitation shall be considered to have joint responsibility with the owner for any violation of this Title.

**Paper** shall mean newspapers, periodicals, cardboard and all other wastepaper.

**Person** shall mean and include the singular and plural and shall also mean and include any person, firm, corporation, association, club, co-partnership, society or any other organization.

**Private collection** shall mean any person engaging in the business of collection and/or disposing of solid waste other than the City's Department of Public Works, Division of Sanitation or any such collector acting as an agent of the City.

**Processing** shall mean preparing or converting recyclable materials so as to conform to specifications, including but not limited to such steps as separating materials by type, grade or color, crushing, grinding, shredding or baling or removing contaminants.

**Public place** shall mean and include all streets, sidewalks, alleys or other public rights-of-way and all public parks, squares, spaces, grounds and buildings.

**Receptacles** shall mean any container permitted herein to properly secure solid waste consistent with the provisions of this Title and includes mechanical refuse container equipment.

**Recycling** shall mean a process by which materials which would otherwise be disposed of as solid waste are separated, collected, processed and converted into economically valuable raw materials or products.

**Recycling business and industry** shall mean a for-profit business which collects, processes, sells, purchases, or converts recyclable materials.

**Recycling facility** shall mean any solid waste facility utilized to separate or process solid waste into marketable materials.

**Refuse** shall mean discarded or salvaged materials.

**Residential sources** shall mean households and other dwelling units not defined as a commercial source.

**Resource recovery** shall mean the collection, separation, recycling and recovery of metals, glass, paper and other materials for reuse or for energy production.

**Resource recovery facility** shall mean any facility which accepts solid waste for the purpose of primarily generating energy or producing a fuel derived from solid waste.

**Rubbish** shall mean non-putrescible solid waste consisting of both combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

**Solid waste** shall mean any garbage, refuse, litter 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, except for liquids that are treated in public sewerage treatment plants.

**Solid waste collection** shall mean the activity related to the collection and transportation of solid waste from its source or location to a disposal site, a resource recovery facility or a recycling facility.

**Solid waste disposal** shall mean the storage, treatment, utilization, processing, resource recovery or final disposal of solid waste.

**Solid waste management** shall mean and include all activities related to the collection and disposal of solid wastes by any person engaging in such process.

**Sufficient receptacle** shall mean at least one (1) metal or plastic freestanding can or barrel for each family unit residing on the premises and at least two (2) such receptacles for each restaurant, market, store or similar establishment where the aforesaid refuse material shall accumulate. Nothing in this chapter shall prohibit single and two family housing units the additional use of plastic bags for the storage and disposal of refuse. Such plastic bags shall be of a minimum of 1.2 millimeters thick to prevent them from tearing or ripping when full. The use of plastic grocery bags for the storage and disposal of refuse shall be prohibited. However, multifamily housing of three (3) or more units shall be prohibited from using any plastic bags for the storage and disposal of refuse.

**Suitable receptacle** shall mean a receptacle for the purpose of securing solid waste, made of metal of a substantial nature such as galvanized iron or plastic, so constructed as to prevent spillage or leakage of its contents; or in the alternate plastic bags. They shall be water-proofed, not more than eighteen (18) inches in diameter and twenty-six (26) inches in height, not more than thirty (30) gallons in capacity, and, in the case of a can or barrel, equipped with a pull handle or handles.

**Trade waste** shall mean all waste material produced by any business, trade or industry, conducted for profit, as well as all solid waste from all commercial sources as defined herein.

**Vehicle** shall mean any motor vehicle, car, truck that is used for the primary purpose of collecting and/or transporting solid waste in the City of Newark.

**Yard waste** shall mean leaves and grass clippings.

(R.O. 1966 C.S. § 13A:2-1; Ord. 6 S+FC, 9-18-85 § 1; Ord. 6 S+FL, 6-24-87 § 1; Ord. 6 S+FC, 11-16-87 § 1; Ord. 6 S+FA, 10-17-01 § 1; Ord. 6 S+FJ, 5-17-06; Ord. 6 PSF-D, 9-15-10; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16; Ord. 6PSF-B, 6-15-16)

**CHAPTER 2 GENERAL ADMINISTRATIVE PROVISIONS**

**15:2-1. ADMINISTRATION AND ENFORCEMENT.**

Except as otherwise provided in these Revised General Ordinances or by law, the provisions of this Title shall be administered and enforced by the Directors of the Department of Health and Community Wellness and the Department of Public Works, herein referred to as the Directors. (R.O. 1966 C.S. § 13A:2-1; 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

**15:2-2. PENALTIES.**

- a. Any person found guilty of violating any provision of this Title shall be punished by a fine not exceeding ten thousand (\$10,000.00) dollars. There shall be a minimum fine of two thousand five hundred (\$2,500.00) dollars for each violation of the provision of this Title when such violation involves a commercial source or trade waste. Each violation and each day a violation is committed or permitted to continue shall constitute a separate violation and shall be punishable as such.
  - b. Any person found guilty of violating any provision of Chapter 6 of this Title, "Disposal Facilities and Illegal Dumping," shall be punished by a fine not exceeding ten thousand (\$10,000.00) dollars, or by imprisonment for a term not exceeding ninety (90) days, or both.
  - c. Such penalties shall be assessed against the property owner in addition to the costs for the removal and clean up of substances herein referred from the lands described in any notice given by the City.
  - d. Whenever vacant property has been cleared by the City on two (2) or more occasions and the owner of the property makes no effort to prevent further accumulation of substances herein referred, the City may abate further accumulation taking any appropriate steps as are deemed necessary by the City.
  - e. Should the property owner be found to be the responsible party for a violation of this Title, the cost of abatement shall be certified to the Tax Collector and such costs shall thereupon become a lien upon the property to the same extent as liens for unpaid municipal property taxes. In addition thereto, the City may have an auction to recover such costs against the owner of such lands in any court having jurisdiction thereof.
  - f. Any person found guilty of violating any provision of this Title within one (1) year of the date of a previous violation of the Title and was fined for the previous violation, shall be sentenced to an additional fine as a repeat offender. The additional fine imposed upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Title, but shall be calculated separately from the fine previously imposed for the violation of this Title.
- (R.O. 1966 C.S. § 13A:2-2; Ord. 6 S+FF, 2-5-86 § 1; Ord. 6 S+FJ, 9-16-87 § 1; Ord. 6 S+FD, 6-7-95; Ord. 6 S+FH, 2-21-07 § 1)

**15:2-3. ENFORCEMENT.**

- a. In enforcing this Title the Newark Municipal Court shall utilize the form of summonses as provided by the State administrative office of the courts.
- b. The Director of the Department of Engineering, all employees of the Division of Engineering and Contract Administration, and the Office of Inspections and Enforcement as well as the Department of Water and Sewer Utilities; and all employees so authorized by the Director of Water and Sewer Utilities, the Director of the Department of Health and Community Wellness and all employees of the Divisions of Health and Inspection of the Department of Health and Community Wellness; the Director of the Department of Public Works and all employees so authorized by the Director of the Department of Public Works; the Director of the Department of Economic and Housing Development and all employees so authorized by the Director of the Department of Economic and Housing Development; all municipal elected

officials and all law enforcement officers and all investigators, Alcoholic Beverage Control of the Division of Police, the Director of the Department of Public Safety and all employees so authorized by the Director of the Department of Public Safety, are hereby authorized and empowered to perform as Law Enforcement Officers solely with respect to the enforcement of the provisions of this Title by being empowered to issue summonses for any violations thereof in accordance with the rules governing the courts of the State of New Jersey.

c. Nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal and abatement by summary proceedings or otherwise nor is this Title intended to limit the authority of the Directors to abate nuisances.

(R.O. 1966 C.S. § 13A:2-3; Ord. 6 S+FH, 12-18-85 § 1; Ord. 6 S+FS, 11-5-86 § 1; Ord. 6 S+FB, 3-4-87 § 1; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14; Ord. 6PSF-A(S), 1-7-16; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

### **CHAPTER 3 GENERAL SANITATION REQUIREMENTS FOR VEHICLES CARRYING SOLID WASTE**

#### **15:3-1. SANITARY OPERATION OF VEHICLES.**

No vehicle utilized for carrying any solid waste shall, without necessity therefor, stand or remain, nor shall a needless number of such vehicles gather before or near any building, place of business or other premises where any person may be. No person using any such vehicle shall occupy any street for an unreasonable length of time in loading or unloading, or in passing along any street or through any inhabited place or ground. No such vehicle shall be in a needlessly filthy or in an offensive condition. (R.O. 1966 C.S. § 13A:3-1)

#### **15:3-2. SANITARY STORAGE OF VEHICLES AND IMPLEMENTS.**

When not in use, all vehicles referred to in Section 15:3-1 of this Title, and all implements used in connection therewith, shall be stored and kept in some place where no needless offense shall be given to any of the inhabitants of the City. (R.O. 1966 C.S. § 13A:3-2)

#### **15:3-3. CONSTRUCTION OF VEHICLES AND CONTAINERS.**

All vehicles referred to in Section 15:3-1 of this Title, and receptacles thereon, in which solid wastes may be or be carried, shall be strong and tight. The sides shall be sufficiently high above the load or contents that no part of such contents or load shall fall, leak or spill therefrom. Each of such receptacles shall be adequately and tightly covered, as the orders or regulations of the Department of Health and Community Wellness or the Department of Public Works and State law may direct. (R.O. 1966 C.S. § 13A:3-3; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

### **CHAPTER 4 COLLECTION AND DISPOSAL**

#### **15:4-1. ADDITIONAL RULES AND REGULATIONS AUTHORIZED.**

To insure the effective operation of the provisions of this Title, the Directors are authorized to establish, from time to time, such regulations as may be necessary or expedient to carry out the intent of this Title. (R.O. 1966 C.S. § 13A:4-1)

#### **15:4-2. INTERFERENCE WITH CITY AGENTS AND EMPLOYEES.**

No person shall prevent or interfere with any City agent or employee in the discharge of his/her duties in the sweeping or cleaning of any street or in the removal therefrom of sweepings, snow, ice or other refuse material or in the removal of paper, glass or other recyclable materials. (R.O. 1966 C.S. § 13A:4-2)

#### **15:4-3. REMOVAL OF SOLID WASTE AND RECYCLABLE MATERIALS PERMITTED ONLY BY CITY OR AUTHORIZED COLLECTOR.**

All solid waste and recyclable materials, of any nature which shall be made and accumulated shall be removed by the City in accordance with the provisions set forth herein, or by a collector authorized by the City. (R.O. 1966 C.S. § 13A:4-3)

#### **15:4-4. PRIVATE COLLECTORS; LICENSE REQUIRED; PREREQUISITES AS TO VEHICLES AND EQUIPMENT.**

a. Each person desiring to engage in the business of privately collecting solid waste and/or recyclable materials within the City, when such collections are to be made from the sidewalks of any street or public place, shall apply annually to the City's Department of Finance, License Unit, for a license to do so and shall make collections with such City decaled vehicles only within the City and not within any other municipality in this or any other State.

b. No such license shall be granted until and unless the applicant shall have satisfied the Director of the Department of Public Works of the sufficiency and sanitation of the equipment and vehicles to be used in the private collection and disposal of such solid waste.

c. Such license shall be issued and renewals thereof shall be for a period of one (1) year from the date of issuance.

d. All vehicles used to collect solid waste and/or recyclables shall bear on the right side a decal secured from the Department of Finance, License Unit, which shall have on it a number of the issued decal. The fee for such decal shall be one hundred (\$100.00) dollars. The decal shall expire one year from the date of issuance.

e. Any collection vehicle which fails to display a City decal or found deviating from the prescribed collection route designated in the Essex County District Plan shall be fined one thousand (\$1,000.00) dollars.

(R.O. 1966 C.S. § 13A:4-4; Ord. 6 S+FG, 11-4-87 § 1; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:4-5. PRIVATE COLLECTORS; COMPLIANCE WITH APPLICABLE REQUIREMENTS.**

Every private collector of solid waste and/or recyclable materials, authorized as provided for in this Title, shall comply with the provisions of this Title, and any and all other ordinances of the City, and the regulations of the Directors governing the collection of solid waste and/or recyclable materials, as well as all State and Federal laws, rules and regulations. (R.O. 1966 C.S. § 13A:4-5)

#### **15:4-6. PRIVATE COLLECTOR; VEHICLES.**

All vehicles used in transporting solid waste or recyclable materials through the streets of the City must be furnished by the owner with a sound and tight body and shall be securely covered when loaded with a type of cover approved by the City so as to prevent their contents from being scattered upon the streets. (R.O. 1966 C.S. § 13A:4-6)

#### **15:4-7. REMOVAL BY CITY OR ITS AGENTS.**

a. The City, by its designated agents and employees, will collect and remove at no direct cost to the residents or occupants of any residential sources in the City, only the household waste matter as classified in paragraph b. of this section, when such waste matter is placed into proper receptacles or bundles and collected in the quantity and manner prescribed herein. All City and designated agent vehicles utilized for the collection and transportation of solid waste shall be equipped with sufficient brooms and

shovels. City employees and designated agents shall immediately clean up any refuse spilled as a result of their collection or solid waste disposal efforts. Any equipment issued by the City shall be accounted for on a daily basis with the strictest inventory controls to be developed and implemented by the Director.

b. Only such solid waste as may be classified as garbage, rubbish or recyclable materials, as defined in Section 15:1-1 of this Title, will be collected by the City; provided that these materials are prepared, held and stored in the manner required in Section 15:4-13 of this Title.

c. Hazardous refuse shall not be placed in receptacles for regular collection but shall be disposed of in accordance with laws and regulations of the State of New Jersey at the expense of the owner or possessor thereof.

(R.O. 1966 C.S. § 13A:4-7; Ord. 6 S+FAQ, 10-5-88 § 1)

#### **15:4-8. UNAUTHORIZED DISTURBANCE OF GARBAGE AND OTHER SOLID WASTE.**

It shall be unlawful for any person, except an employee of the City in the discharge of his/her duties, or an authorized solid waste and/or recyclable materials collector, to collect or in any way disturb the solid waste or other refuse material deposited in any receptacle laid or placed on any street or public place in the City. (R.O. 1966 C.S. § 13A:4-8)

#### **15:4-9. RECEPTACLES; REQUIREMENTS APPLICABLE TO PERSONS ACCUMULATING SOLID WASTE TO BE REMOVED.**

a. Any location at which the property owner or tenant utilizes and maintains mechanical refuse container equipment shall be so located that it will not cause a health problem or create a nuisance for the general public or for owners or residents of the property in question or of abutting properties.

b. The owner, agent, lessee, tenant or occupant of every dwelling or other premises in the City where solid waste and recyclable materials shall accumulate must provide and keep on such premises sufficient and suitable receptacles or cans or barrels with tight-fitting covers therefor for receiving and holding the aforesaid refuse materials. Paper and other recyclable materials shall be prepared as set forth in this Title. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

c. The use of paper bags and cardboard boxes as receptacles for refuse is prohibited. All cartons must be flattened and secured for collection. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred, (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

d. Receptacles that are badly broken or otherwise fail to meet the requirements of this Title may be removed as refuse by the City.

e. In dwellings, multiple dwellings and apartment houses containing three (3) dwelling units or less, the receptacles shall be purchased and maintained, in the absence of a contract, by the tenants. In dwellings, multiple dwellings and apartment houses of more than three (3) dwelling units, for those structures from which the City collects solid waste, such receptacles shall be purchased and maintained, in absence of a contract, by the landlord.

f. It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins.

(R.O. 1966 C.S. § 13A:4-9; Ord. 6 S+FC, 9-18-85 § 2; Ord. 6 S+FB, 6-1-88 § 1; Ord. 6 PSF-D, 2-17-10 § 1)

#### **15:4-10. RECEPTACLES: TIME OF PLACING AND REMOVING.**

a. It shall be unlawful for any person to place or cause to be placed, or permit to remain on the sidewalk, any receptacles or bundle containing refuse material during times other than on the evening before a collection day between the hours of 6:00 p.m. and 10:00 p.m. Collection days for Zone A shall be Mondays and Thursdays, and collection days for Zone B shall be Tuesdays and Fridays. Zones A and B shall be those areas so designated by the Director of the Department of Public Works. The time schedule set forth above contemplates solid waste collection beginning at approximately midnight on each particular collection day and continuing until conclusion, which is anticipated to be approximately 6:00 a.m. Empty receptacles must be removed on collection days no later than 10:00 a.m. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred fifty dollars (\$150.00).

2. Second Offense. A fine of three hundred dollars (\$300.00).

3. Third Offense. A fine of five hundred dollars (\$500.00) and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand, five hundred dollars (\$1,500.00) and/or up to ninety (90) days of community service, and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. Whenever a premises' waste is removed at the owners' expense by an authorized collector other than the City or its agent, as set forth in Section 15:4-14, such person shall arrange with the collector to have the waste removed on the same day as the regularly scheduled collection for that area, as set forth by the Director of the

Department of Public Works. In the event that the premises receive once a week collection, the owner may choose either of the regularly scheduled collection days in arranging for the premises' collection. If the premises receives collection on more days than the City normally collects in the area, the waste may be placed at the curb at the times set forth in paragraph a. above as long as such waste is collected before 6:00 a.m. the following day. If collection does not occur before 6:00 a.m., the waste shall be retained in a secure manner whether within or behind the premises and shall not be placed at the curb until the authorized collector arrives at the premises, except on the day the City normally collects in that area.

c. If any receptacles or bundles that are referred to in this section are found to remain on the sidewalk at any time other than the times permitted by this Title, then it shall be presumed that the bundles or receptacles are there with the knowledge of the manager and the owner of the property adjacent to the sidewalk.

(R.O. 1966 C.S. § 13A:4-10; Ord. 6 S+FK, 6-3-87 § 1; Ord. 6 S+FC, 11-16-87 § 2; Ord. 6 S+FC, 11-6-88 § 11; Ord. 6 PSF-D, 2-17-10 §1; Ord. 6 PSF-C, 2-18-15 § 1; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:4-11. RECEPTACLE; PLACEMENT AND STORAGE.**

a. The owner, lessee, tenant or other occupant of every privately owned building shall, in accordance with the times set forth in Section 15:4-10a. above, place or have placed all refuse material for collection in some convenient location outside of the building proper, between the curb and sidewalk, or if there is no space between the curb and sidewalk, but not in a manner to block pedestrian traffic, where such material will be easily accessible to the collector.

b. Receptacles awaiting collection shall be stored or kept in such places so as to ensure the receptacles do not cause a health problem or create a nuisance for the general public or for owners or residents of the property in question or of abutting properties. Except as otherwise provided in Section 15:4-1, no containers shall be stored in the street, on the curb or in a public right-of-way.

c. It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

d. It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

e. It shall be unlawful for any property owner to park or permit the parking of any vehicle on any residential lawn, or on any publicly owned unpaved City-owned lot. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred fifty dollars (\$150.00).

2. Second Offense. A fine of three hundred dollars (\$300.00).

3. Third Offense. A fine of five hundred dollars (\$500.00) and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

f. Every residential privately owned property shall be limited to ten (10) bulk items that can be placed outside on the scheduled bulk collection day. Anything exceeding ten (10) bulk items shall be removed by a private hauler, on the same day, at the owner's expense. Any person, firm, corporation, or entity that violates, fails or neglects to comply with the provisions of this subsection or paragraph f., or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of two hundred fifty (\$250.00) dollars for each item over ten (10) bulk items. If the bulk waste items are not picked up on the same day, then a fine of an additional two hundred fifty (\$250.00) dollars per day shall be assessed until abated.

2. Second Offense. A fine of three hundred fifty (\$350.00) dollars.

3. Third Offense. A fine of four hundred fifty (\$450.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand, five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the Third and Subsequent Violations of the provisions of this paragraph f. provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(R.O. 1966 C.S. § 13A:4-11; Ord. 6 S+FC, 9-18-85 § 2; Ord. 6 S+FB, 6-1-88 § 1; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6 PSF-C, 2-18-15 § 2; Ord. 6PSF-B, 6-15-16)

#### **15:4-12. CITY COLLECTORS NOT TO ENTER PRIVATE BUILDINGS TO REMOVE REFUSE.**

City employees and agents are prohibited from entering upon any privately owned structures, or portion of any such premises for the purpose of moving refuse to the curb for collection. (R.O. 1966 C.S. § 13A:4-12)

#### **15:4-13. PREPARATION OF SOLID WASTE FOR COLLECTION.**

a. Solid waste shall be placed and stored in a sufficient and suitable receptacle as described in Section 15:1-1 of this Title. Where this refuse is of such a nature that it cannot be deposited in a suitable receptacle, it shall be securely and properly tied into bundles or packages to prevent any spillage while being handled by City employees or its agents, 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 (1) person. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. Paper shall be secured and properly tied into bundles or other packages, in a manner to prevent any scattering while being handled by City employees or its agents, 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 (1) person. Clean and uncontaminated newspaper shall be kept separate and not mixed with regular refuse. Newspaper shall be considered clean and uncontaminated if it has not been exposed to a foreign substance or substances, or conditions that render it unsuitable for recycling. Persons may wrap solid waste in used newspaper and discard the same with regular refuse even if wrapping renders the newspaper unsuitable for recycling. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

c. All suitable receptacles, used for the purpose herein described shall not be filled higher than three (3) inches below the top, and when so filled, they shall be of such a weight as can be easily handled by one (1) person. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

d. The Director of the Department of Public Works shall establish regulations as to the collection and for the storage of used and/or old newspaper by the City or its agents, if such collection is deemed necessary by the Director and shall publicly make known the same.

e. No one receiving collection from the City or its agents shall place more than three (3) receptacles, per dwelling unit, out for collection on any collection day. No receptacles when full, shall weigh more than one hundred (100) pounds.

f. Any person obtaining a permit from the central permit office under the Uniform Construction Code to renovate or construct a structure or structures shall provide for the private collection and disposal of all debris resulting from the renovation or construction so permitted. Municipal collection will not be provided for any refuse or debris resulting from any such permitted activity.

(R.O. 1966 C.S. § 13A:4-13; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:4-14. HANDLING AND DISPOSAL OF TRADE WASTE, VIOLATION; PENALTY.**

No trade waste, as defined in Section 15:1-1 of this Title, shall be collected by the City. The producer thereof shall, at his/her own expense, deliver the trade waste to a legally registered disposal facility pursuant to Chapter 6 of this Title or have the trade waste collected by an authorized collector, as provided in Section 15:4-4 of this Title. (R.O. 1966 C.S. § 13A:4-14; Ord. 6 PSF-D, 9-15-10 § 1)

#### **15:4-15. POSTING OF PERMIT.**

Every owner, lessee or person in control of a commercial source of refuse shall post a permit which states clearly and legibly the trade or business name, addresses, telephone number and the day, time of refuse collection presently serving the establishment, as well as the name, address and telephone number of the private refuse collection hauler serving the establishment.

Every owner, lessee or person in control of a commercial source of refuse shall post the trade waste permit issued by the Department of Public Works. The trade waste permit shall expire one (1) year from issuance and cost twenty-five (\$25.00) dollars. Such permits shall be prominently displayed by affixing to a window near the principal entrance of the commercial source so as to be easily visible from outside the structure. If this is not possible, such permit shall be prominently displayed inside, near the principal entrance. The applicant shall obtain and post a new permit annually, or whenever there is a change in the hauler utilized to collect refuse from the commercial source. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(R.O. 1966 § 13A:4-15; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6 PSF-D, 9-15-10 § 2; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:4-16. PRIVATE COLLECTION; OTHER SOURCES.**

All trade waste, defined herein as waste produced by a commercial source, shall be collected by an authorized collector, as provided in Section 15:4-4. Any premises whose solid waste is, at the time of adoption of this Title, not collected by the City or its agent shall continue to have their solid waste collected by an authorized collector as provided in the aforementioned section. (R.O. 1966 C.S. § 13A:4-16; Ord. 6 PSF-D, 9-15-10 § 4)

#### **15:4-17. MECHANICAL REFUSE CONTAINER EQUIPMENT PLACEMENT AND STORAGE; PERMITS, FEES AND DEPOSITS.**

- a. No mechanical refuse container equipment may be placed on a street or public right-of-way without a permit. An application for a permit must be submitted to the Central Permit Office with the required fee. The applicant shall specify thereon the size and location of the equipment and the duration of time the equipment will be at the location.
  - If such equipment is to occupy the street or public right of way for twenty-four (24) hours or less, the applicant shall pay the required fee by mail or in person within twenty-four (24) hours, exclusive of weekends and holidays, after placement of the equipment. If the equipment is to be used for more than twenty-four (24) hours, the applicant must receive a permit prior to placement.
  - b. The fee for a permit shall be the sum of thirteen (\$13.00) dollars per container per location. In addition thereto, no permit shall be issued until and unless the applicant has posted an annual deposit with the Central Permit Office in the amount of one thousand two hundred fifty (\$1,250.00) dollars. The deposit will cover all permits which are issued during a one (1) year period and shall be used to defray the costs of any damage which may occur to a City street as the result of the placement of mechanical refuse container equipment. The applicant shall be required to maintain this deposit at all times during the year. At the end of the year the remaining balance, if any, shall be returned to the applicant or may be applied toward the next annual one thousand two hundred fifty (\$1,250.00) dollar deposit. The posting of a deposit shall not be deemed to waive any additional rights which the City may have to pursue any claims for damage.
  - c. The duration and the location for which a permit shall be issued are subject to the discretion of the Director of the Department of Engineering.
  - d. Each permit shall be deemed issued subject to and controlled by the provisions of this Title and of other applicable ordinances and regulations of the City.
  - e. Mechanical refuse container equipment shall prominently display the name, address and telephone number of the owner thereof and shall be fitted with reflectors for night safety in such a manner as to indicate the height and width of same.
  - f. Mechanical refuse container equipment in violation of this Title may be impounded by the Division of Police after twelve (12) hours written or verbal notice given to the owner thereof by the Director of Engineering or his designee or by a Police Officer.
  - g. Notwithstanding paragraph f. above, any mechanical refuse container equipment situated in such a manner as to obstruct an adjacent owner's driveway or create a traffic or road hazard may be impounded immediately by the Division of Police.
  - h. Mechanical refuse container equipment impounded pursuant to paragraphs f. and g. above shall be towed or transported to locations within the City designated by the Director of the Department of Public Safety. Whenever such equipment is impounded as provided herein, the Division of Police shall, within five (5) days therefrom, send a notice of such fact to the owner thereof by certified mail, return receipt requested.
  - i. Any owner of impounded mechanical refuse container equipment or person acting on his/her behalf desiring to redeem same, shall first pay a service or towing charge of sixty-three (\$63.00) dollars and, in addition, a storage charge of thirteen (\$13.00) dollars per day for the time the impounded equipment was held in storage. The above charges and costs are in addition to other penalties that may be imposed for violation of any provision of this Title.
  - j. Whenever any mechanical refuse container equipment impounded by the Division of Police shall remain unclaimed by any person having the right to possession of same for a period of thirty (30) days, it shall be used by the City or alternately sold at public auction to the highest bidder. Such auction sale shall take place after notice of such sale has been given at least seven (7) days prior thereto, by publication in a newspaper circulating in the City and upon mailing of a copy of the notice to the owner of the equipment by regular mail at least seven (7) days prior to the sale.
  - k. Notwithstanding any other penalty for the violation of this Title, upon the violation of any provisions of this section or of any of the terms or conditions stated in the permit, the Director of the Department of Engineering may revoke any permit issued hereunder. No rebate shall be made of any fee or part of a fee paid for the permit, as the result of such revocation.
- (Ord. 6 S+FC, 9-18-85 § 3; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6PSF-A(S), 1-7-16)

CHAPTER 5 CONTAINERIZED YARD WASTE

15:5-1. DEFINITIONS.

- For purposes of this chapter, the following terms and phrases have the following meanings:
- a. **Containerized** shall mean the placement of yard waste in a biodegradable paper bag or other receptacle approved by the City of Newark, Department of Public Works, such as to prevent the yard waste from spilling or blowing out into the street and coming in contact with the stormwater.
  - b. **Street** shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way, which is an existing State, County, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- (Ord. 6 S+FJ, 5-17-06; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

15:5-2. PROHIBITED CONDUCT.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow, or otherwise place yard waste in the street unless the yard waste is containerized in biodegradable paper bags or other such receptacle approved by the Department of Public Works. If the yard waste is placed in the street without being containerized, the party responsible for the placement of yard waste must remove it from the street immediately or said party shall be deemed in violation of this chapter. (Ord. 6 S+FJ, 5-17-06; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

CHAPTER 6 DISPOSAL FACILITIES AND ILLEGAL DUMPING

15:6-1. DISPOSAL FACILITIES.

All disposal facilities located in the City shall comply with all provisions of the State Solid Waste Management Act, N.J.S.A. 13:1E-1 et al, and all applicable laws, rules and regulations of the Federal, State and local government. (R.O. 1966 C.S. § 13A:6-1; Ord. 6PSF-K, 8-7-19)

15:6-2. DUMPING, DEPOSITING OR PLACING OF REFUSE PROHIBITED.

- a. It shall be unlawful for any person to deposit, place or dump, or to permit the dumping, depositing or placing of any litter, solid waste, paper, rubbish, trade waste or refuse upon any land, in any stormwater sewer, or in any waterway of the City, except for those disposal methods permitted in 15:4-1 et seq., supra.
  - b. It shall be unlawful for any person to deposit, place or dump or to permit the placing, depositing or dumping of any litter, solid waste, paper, rubbish, trade waste or refuse from any vehicle or any boat within the City.
- (R.O. 1966 C.S. § 13A:6-2; Ord. 6 S+FJ, 5-17-06; Ord. 6PSF-K, 8-7-19)

15:6-3. PERSONS PERMITTING DUMPING; VIOLATION.

No person who owns any property in the City or who is in possession of the property, or who is in control of the property, shall allow or permit any person to dump any solid waste, refuse or other material defined in this Title upon the property. (R.O. 1966 C.S. § 13A:6-3; Ord. 6PSF-K, 8-7-19)

#### **15:6-4. OWNER TO MAINTAIN PREMISES FREE OF LITTER.**

a. The owner of any property shall at all times maintain the premises free of debris and litter. This action shall not be construed to prohibit the storage of refuse in proper receptacles for collection. Any person, firm or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First offense. A fine of three hundred (\$300.00) dollars.
2. Second offense. A fine of five hundred (\$500.00) dollars.
3. Third offense. A fine of seven hundred fifty (\$750.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. The owner may designate another person to be responsible for maintain the premises free of debris and litter by filing a notice with the Department of Public Works, Division of Sanitation in the City of Newark describing the name and address of the person responsible for maintaining the premises free of litter. The person so designated shall be jointly responsible with the owner for maintaining the premises free of debris and of litter.

(R.O. 1966 C.S. § 13A:6-4; Ord. 6 S+FA, 11-16-87 § 1; Ord. 6 PSF-D, 2-17-10 § 2; Ord. 6PSF-F, 6-15-16; Ord. 6PSF-K, 8-7-19)

#### **15:6-5. REMOVAL OF MATERIAL DUMPED ILLEGALLY.**

Any person violating any provisions of Chapter 6 of this Title shall immediately remove all of the material which the person has illegally dumped or deposited. (R.O. 1966 C.S. § 13A:6-5; Ord. 6PSF-K, 8-7-19)

#### **15:6-6. REWARDS.**

A reward of two hundred fifty dollars and zero (\$250.00) cents shall be paid to any person or persons providing information leading to the detection and apprehension of any person found guilty of violating Sections 15:6-2 or 15:6-3. The reward is to be payable for conviction out of the fund established for this purpose, but no such reward may be paid to any public employee whose duty it is to investigate or to enforce the law. The Director of the Department of Engineering is authorized to and shall award the reward without the consent of the Municipal Council upon proof of conviction of such person or persons. The director of engineering and director of finance, prior to issuing the reward, shall affirm by way of affidavit that they received the appropriate documentation establishing the Court's reliance upon information received by that person or persons in its finding of guilt of the violator. A bi-annual report of the rewards distributed during each six (6) month period shall be prepared by the Director of Engineering and the Director of Finance and filed with the Office of the City Clerk. (R.O. 1966 C.S. § 13A:6-6; Ord. 6 S+FA, 7-10-85 § 1; Ord. 6 S+FK, 10-21-87 § 1; Ord. 6 S+FH, 9-5-90 § 1; Ord. 6 S+FJ, 8-6-97; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16; Ord. 6 PSF-A, 11-14-16; Ord. 6PSF-K, 8-7-19)

### **CHAPTER 7 RESERVED**

### **CHAPTER 8 BRUSH, WEEDS, WASTE MATTER AND DEBRIS**

#### **15:8-1. CERTAIN SUBSTANCES ON LAND DECLARED DETRIMENTAL AND HAZARDOUS.**

The presence upon lands, lying within the corporate limits of the City of brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, solid waste, refuse and debris be and is hereby declared to be detrimental to public health, safety and the general welfare. (R.O. 1966 C.S. § 13A:7-1)

#### **15:8-2. REMOVAL AND PROTECTION; NOTICE TO REMOVE.**

a. The owner or tenant of lands lying within the corporate limits of the City is hereby required to remove or cause to be removed from such lands any brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, solid waste, refuse and debris or any materials deposited in violation of the Revised General Ordinances of the City of Newark.

b. Any owner of vacant land on which material has been deposited in violation of this section twice in any one (1) year period shall be required to construct a suitable barrier to prevent the recurrence of such violations, or to be present or cause a responsible person to be present within one hundred (100) feet of the land between the hours of 5:00 p.m. and 9:00 a.m. the following day.

c. The Directors of the Department of Public Works, Health and Community Wellness or Engineering shall notify the owner or tenant, in writing, of any violations of this section and require abatement within ten (10) days after receipt by such owner or tenant of written notice.

(R.O. 1966 C.S. § 13A:7-2; Ord. 6 S+FJ, 2-19-86 § 1; Ord. 6 S+FV, 9-7-88 § 1; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:8-3. NOTICE: SERVICE, CONTENTS.**

a. Such notice may be served upon any such owner or tenant either personally or by registered or certified mail, return receipt requested. If service is by registered or certified mail, the ten (10) day period within which such removal shall be accomplished shall be deemed to have commenced to run from the date of the delivery of such registered or certified mail as shown on the receipt obtained by the postal authority.

b. Every such notice shall, in addition to requiring the removal as aforesaid, warn the owner or tenant of the lands to which such notice refers that failure to accomplish such removal within the time stated therein will result in removal by or under the direction of the City; that the cost of such removal shall be charged to the owner or tenant of such lands and shall be payable to the City within thirty (30) days after the date of submission of the charges; and that unless such charges are paid within the thirty (30) day period, the costs aforesaid shall become a lien upon the lands and be collected as provided by N.J.S. 40:48-2.14.

(R.O. 1966 C.S. § 13A:7-3; Ord. 5-5-82 § 1)

#### **15:8-4. REMOVAL BY CITY; PROVISIONS AS TO COST AND LIEN.**

Whenever the owner or tenant of lands within the City, receiving the notice provided for by this chapter to remove from such lands any of the substances hereinbefore mentioned, shall fail and neglect, within the time prescribed in the notice, to effect removal of the substances, such removal shall be accomplished by or under the direction of the City. An accurate record of the cost of such removal by the City shall be determined and certified and shall cause such cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as in the case of taxes.



### **15:8-5. PENALTY ADDITIONAL TO COST OF REMOVAL.**

a. Any person who shall violate any provisions of this chapter or who shall fail to comply with any notice given by the City as provided in this chapter, shall, upon conviction thereof, be punished as provided in Section 15:2-2. Any such penalty shall be in addition to the costs of removing the substances hereinbefore referred to from the lands described in the notice given by the City.

b. Whenever vacant property has been cleaned by the City on two (2) or more occasions and the owner of the property makes no effort to prevent further accumulation of refuse, the City may abate further accumulation of refuse by erecting a fence around the property or by such other steps as are deemed necessary by the City.

c. The costs of abatement shall be certified to the tax collector and such costs shall thereupon become a lien upon the property to the same extent as liens for unpaid municipal property taxes. In addition thereto, the City may have an auction to recover such costs against the owner of such lands in any court having jurisdiction thereof.

(R.O. 1966 C.S. § 13A:7-5)

## **CHAPTER 9 LITTERING**

### **15:9-1. LITTER; GENERAL.**

a. Every owner, lessee, tenant occupant or person in charge of any structure shall keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction and nuisances of every kind, and shall keep the sidewalks, areaways, backyards, courts, and alleys free from litter and other solid waste by sweeping their sidewalks a minimum of twice a week, except as provided in paragraph b. Such persons shall also remove all such litter and other solid waste between the curb abutting the building or premises and the roadway extending eighteen (18) inches from the curb into the street on which the building or premises fronts. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. Within thirty (30) minutes of opening and closing for business and between the hours of 12:00 p.m. and 1:00 p.m., including weekends and holidays, when open for business, merchants must sweep their sidewalks and an area eighteen (18) inches out from the curb onto the roadway. Such business merchants shall pick up all paper, debris, and litter collected as a result of such sweeping and deposit it into a suitable receptacle.

c. No person shall sweep litter, liquid pollutants, or any similar debris into any gutter, storm sewer, catch basin, street, or other public place. Every person who owns or occupies property shall keep the sidewalk in front of his/her premises free of litter. All sweepings shall be collected and properly disposed of in a suitable receptacle for disposal pursuant to Chapter 4 of this Title.

(R.O. 1966 C.S. § 13A:8-1; Ord. 6 S+FK, 9-7-88 § 1; Ord. 6 S+FG, 9-1-93 § 1; Ord. 6 S+FE, 9-18-02 § 1; Ord. 6 S+FJ, 5-17-06; Ord. 6 PSF-D, 2-17-10 § 3)

### **15:9-2. LITTER ON OCCUPIED PRIVATE PROPERTY PROHIBITED.**

No person shall throw or deposit litter on any occupied private property, whether owned by him/her or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will not be carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (R.O. 1966 C.S. § 13A:8-2)

### **15:9-3. LITTER ON PRIVATE PROPERTY PROHIBITED.**

a. No person shall throw or deposit litter on any private property, whether owned by him/her or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will not be carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(Ord. 6 S+FB, 6-1-88; 6 PSF-D, 2-17-10 § 3)

### **15:9-4. LITTER ON CONSTRUCTION OR DEMOLITION SITES PROHIBITED.**

a. It shall be unlawful for any owner, agent thereof, person to whom a construction or demolition or demolition permit was issued by the City of Newark, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project.

b. It shall be the duty of the owner, agent, contractor, or person to whom the construction or demolition permit was issued by the City of Newark to furnish at the worksite suitable receptacles that are adequate to contain flyable or non-flyable debris, solid waste, rubbish, or liquid pollutants. The receptacles should be placed in areas convenient to construction/ demolition areas.

c. The owner, agent, person to whom a construction or demolition permit was issued by the City of Newark, or contractor in charge of a construction or demolition site shall maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of the debris.

d. It shall be unlawful for any owner, agent, person to whom a construction or demolition permit was issued by the City of Newark, or contractor in charge of a construction or demolition site to permit litter, debris, solid waste, or liquid pollutants to be placed, swept or discharged into the City's stormwater sewer. (Ord. 6 S+FB, 6-1-88 § 1; Ord. 6 S+FJ, 5-17-06)

**15:9-5 LITTER IN PUBLIC PLACES PROHIBITED.**

No person shall throw or deposit any litter in or upon any street, sidewalk or other public place except in public receptacles or in authorized private receptacles for collection. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(R.O. 1966 C.S. § 13A:8-3; Ord. 6 PSF-D § 3, 2-17-10)

**15:9-6. LITTER ON VACANT LOTS PROHIBITED.**

No person shall throw or deposit litter on any open or vacant property whether owned by such person or not. (R.O. 1966 C.S. § 13A:8-4)

**15:9-7. LITTER IN PARKS PROHIBITED.**

No person shall throw or deposit litter in any park except in public receptacles and in such a manner as to prevent such litter from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried from the park by the person responsible for its presence and shall be properly disposed of elsewhere. (R.O. 1966 C.S. § 13A:8-5)

**15:9-8. LITTER IN CITY WATERS PROHIBITED.**

No person shall throw or deposit litter, or cause liquid pollutants to be drained into any stormwater sewer, catch basin, fountain, pond, lake, stream, river, bay or any other body of water. (R.O. 1966 C.S. § 13A:8-6; Ord. 6 S+FJ, 5-17-06)

**15:9-9. UNCOVERED VEHICLES.**

It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any road or highway unless such vehicle is constructed, loaded and covered to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any debris or objects have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all debris or objects and shall pay the costs thereof. (R.O. 1966 C.S. § 13A:8-7; Ord. 6 S+FB, 6-1-88 § 1)

**15:9-10. LITTER THROWN FROM VEHICLES PROHIBITED.**

No person shall throw or deposit litter from a vehicle upon any street or other public place. (R.O. 1966 C.S. § 13A:8-8)

**15:9-11. WASTE RECEPTACLE PROVIDED BY STREET VENDORS.**

Every person distributing or offering for sale in any street or public place any food or drink for consumption shall provide in a conspicuous place a receptacle for all refuse. The vendor shall maintain and empty the receptacle in such a manner, and with such a frequency, so as to prevent the spillage of refuse. (R.O. 1966 C.S. § 13A:8-9)

**15:9-12. USE OF LITTER RECEPTACLES.**

a. Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle; buildings utilized by the public, including schools, government buildings, and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service stations islands; shopping centers; parking lots; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

Litter receptacle means a container suitable for the depositing of litter.

b. No person shall use any open mesh litter basket (receptacle), placed on the streets by the City, for the deposit of residential or commercial solid waste, refuse, rubbish, garbage or other waste material.

(R.O. 1966 C.S. § 13A:8-10; Ord. 6 S+FB, 6-1-88 § 1)

**15:9-13. THROWING OR DIS-TRIBUTING HANDBILLS IN PUBLIC PLACES SO AS TO CAUSE LITTER.**

- a. No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place.
  - b. No person shall hand out or distribute or sell any handbill in any public place; provided, however, it shall not be deemed unlawful for any person to hand out or distribute without charge to the receiver thereof, in any sidewalk, street, or other public place, any handbill to any person willing to accept it. Nothing herein shall attempt to limit or restrain the right of self expression.
- (R.O. 1966 C.S. § 13A:8-11)

#### **15:9-14. PLACING HANDBILLS ON VEHICLES PROHIBITED.**

No person shall throw or deposit any handbill in or upon any vehicle; provided, however, that it shall not be unlawful for a person to hand out or distribute without charge to the receiver thereof, in any public place, a handbill to any occupant of a vehicle who is willing to accept it. (R.O. 1966 C.S. § 13A:8-12)

#### **15:9-15. DEPOSITING HANDBILLS ON VACANT PREMISES PROHIBITED.**

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (R.O. 1966 C.S. § 13A:8-13)

#### **15:9-16. DISTRIBUTION OF HANDBILLS PROHIBITED WHERE SIGN POSTED.**

No person shall throw, deposit or distribute any handbill in or upon private premises: a. if requested by anyone in or upon such premises not to do so; or b. if there is placed on the premises a sign with the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (R.O. 1966 C.S. § 13A:8-14)

#### **15:9-17. DISTRIBUTION OF HANDBILLS RESTRICTED AT INHABITED PRIVATE PREMISES; EXCEPTION FOR MAIL, NEWSPAPERS AND PROPERLY SECURED HANDBILLS.**

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting such handbills directly to the owner, occupant or upon inhabited private premises or sidewalks, streets or other public places, or in the alternate by depositing the handbills in mailboxes, except as otherwise prohibited by Federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers. Alternately, handbills may be distributed to private premises which are inhabited if properly secured by placing the same under the door or attaching securely to the doorknob of the structure. (R.O. 1966 C.S. § 13A:8-15)

#### **15:9-18. POSTING NOTICES PROHIBITED.**

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public to any lamppost, public utility pole, shade tree, or upon any public structure or building, except as may be authorized or required by law. (R.O. 1966 C.S. § 13A:8-16)

CROSS REFERENCE: For other provisions concerning the posting of notices, see Section 29:22-1 of these Revised Ordinances.

### **CHAPTER 10 INOPERABLE VEHICLES**

#### **15:10-1. INOPERABLE VEHICLES RESTRICTED.**

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots, and residential lawns, any motor vehicle, trailer or semi-trailer which is a. missing tires, wheels, engine, or any essential parts; or b. which displays extensive body damage or deterioration; or c. which is wrecked, disassembled or partially disassembled. The keeping of such vehicles will be permitted only in a fully enclosed structure. (Ord. 6 S+FB, 6-1-88 § 1)

### **CHAPTER 11 RESERVED**

### **CHAPTER 12 RECYCLING<sup>1</sup>**

<sup>1</sup>**Editor's Note:** Ordinance 6 S+FK, 9-2-92, repeals Ordinances 6 S+FA, 6-3-87 and 6 S+FA, 12-6-89, which established the mandatory separation, at the source, of recyclables.

#### **15:12-1. TITLE.**

This chapter shall be known and cited as the "Newark Mandatory Recycling Regulations." (Ord. 6 S+FK, 9-2-92 § 13A:5-1)

#### **15:12-2. REGULATIONS AUTHORIZED.**

The Director of the Department of Public Works is hereby authorized and directed to continue efforts to establish regulations as to the manner, days and times of such collections and the bundling, handling, location and placement of recyclable materials in residential and commercial areas for collection by the City and/or its agents. (Ord. 6 S+FK, 9-2-92 § 13A:5-2; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:12-3. DEFINITIONS.**

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

**Aluminum beverage can** shall mean any beverage container constructed entirely of aluminum.

**Bi-Metal** shall mean any food or beverage container constructed of two (2) or more distinctly separate metals.

**Brush and herbaceous waste** shall mean tree and shrub branches which have been removed from properties. Branches shall be free from roots, stumps and other contaminants.

**Commercial source** shall mean any wholesale, retail or service establishment including, but not limited to restaurants, markets, offices, retail and wholesale outlets, theaters, hotels and warehouses.

**Commingled** shall mean recyclable materials which may be combined with other recyclable materials. Examples of materials which may be commingled are: glass bottles and jars and aluminum and/or bi-metal cans.

**Compost area** shall mean that area designated by the City of Newark as the place for composting and decomposition of leaves and woodchips.

**Construction/demolition materials** shall mean components resulting from the construction and/or demolition of a building or structure, both residential and commercial, including wood, brick, concrete, asphalt roofing, asphalt, scrap metals, window glass, tree stumps, logs, branches and other such materials.

**Consumer cell batteries** known also as dry-cell batteries, shall mean those batteries commonly used in hearing aids, cameras, calculators, and watches, which contain hazardous components such as mercury, silver, cadmium and lithium.

**Corrugated cardboard** shall mean the material commonly used for boxes, shipping containers and packing materials.

**Ferrous scrap** shall mean all structural steel or ferrous metal, cast iron and steel components.

**Generator** shall mean any individual, public or private corporation or firm owning, operating or in charge of any residential, nonresidential, commercial, industrial

structure or institutional source who produces or has charge of producing solid waste and/or recyclable materials in the City of Newark.

**Glass bottles and jars** shall mean any food or beverage container constructed entirely of glass (exclusive of the cap or covering device).

**Industrial source** shall mean any business who is engaged in industrial production or service and who produces or has charge of producing solid waste and/or recyclable materials in the City of Newark.

**Institutional source** shall mean any entity which is not a commercial or industrial source including but not limited to public or private schools, hospitals and medical care facilities.

**Lead acid batteries** shall mean those batteries which are used in vehicles such as automobiles, motorcycles, etc. and are composed primarily of lead plates in a casing containing sulfuric or other acids.

**Magazines** shall include all periodicals containing miscellaneous material.

**Mixed high grade white paper** shall mean white office paper, computer paper, and duplicator paper, but shall exclude paper products coated with nondegradable material or contaminated by carbon materials.

**Multi-family dwelling** shall mean those structures such as apartments, cooperatives and condominiums which are used or are intended, arranged or designed for use by three (3) or more separate groups or families for living, where solid waste and/or recyclable materials are generated.

**Newspapers** shall mean any paper of the type commonly referred to as newsprint distributed weekly or daily which contains news, articles of opinion, features and advertising.

**Recycling center** shall mean a facility privately owned and operated and designed solely for receiving, storing, processing and transferring source separated, nonputrescible recyclable materials.

**Recycling depot** shall mean a public or private facility that is designated by the City of Newark as the area to drop-off recyclable glass bottles and jars, newspaper, magazines, aluminum and bi-metal cans, used motor oil, corrugated cardboard, lead acid batteries, consumer cell batteries and automobile tires or other materials as designated by the Director of the Department of Public Works.

**Source separation** shall mean the detaching, sorting and setting apart of solid waste for the purpose of recycling, from residential, non-residential, commercial, industrial or institutional source by the generator at the point of generation.

**Used waste oil** shall mean any waste crank case oil resulting from the periodic maintenance of internal combustion engines.

**White goods and scrap metals** shall mean all small and large metal appliances such as, but not limited to, refrigerators, freezers, washers, dryers, water heaters, ranges, furnaces, metal lawn furniture, bicycles, etc.

(Ord. 6 S+FK, 9-2-92 § 13A:5-3; Ord. 6 PSF-F, 6-17-09 § 1; Ord. 6PSF-F, 6-15-16)

#### **15:12-4. MANDATORY SEPARATION OF RECYCLABLE MATERIALS FROM MUNICIPAL SOLID WASTE.**

a. Every generator in the City of Newark shall source separate the following items: used corrugated cardboard, newspapers, magazines, glass bottles and jars, plastic with #1 PETE and #2 HDPE containers such as milk, juice jugs, water bottles and soda bottles, food and beverage cans (aluminum and bi-metal), leaves, used motor oil, mixed high grade white paper, white goods, ferrous and other scrap metals, lead acid batteries, consumer cell batteries and automobile tires from municipal solid waste. Generators in the City shall provide sufficient containers for the temporary storage of recyclable materials pending collection. The location of the containers shall be in an area that is easily accessible and which will not create a nuisance to other adjacent properties or create conflict with pedestrians or vehicles.

b. Recyclable materials shall be packaged for curbside collection or deposited at the City recycling depot in the following manner:

1. Newspapers and magazines shall be securely bundled to facilitate handling. Each bundle shall not exceed thirty-five (35) pounds in weight. Acceptable materials may either be tied with string or cord, or placed into sturdy paper bags for collection. Generators shall ensure that the materials are either placed at the curbside or dropped off at the Recycling Depot for collection. Commercial establishments shall bring the materials to the Recycling Depot or make arrangements with a private contractor for collection.

2. Mixed high grade white paper shall be stacked in securely tied bundles and shall be brought by residents to the Recycling Depot. All commercial establishments shall provide for the recycling of the recyclables by making arrangements with a private contractor for collection or dropping off of the materials at the Recycling Depot.

3. Aluminum beverage cans, bi-metal cans (such as those which contain vegetables and juices) and glass bottles and jars, shall be drained of all food or liquid, and placed in a reusable sturdy receptacle or container not less in size than five (5) gallons or more than thirty-two (32) gallons in size.

4. Leaves must be bagged and brought to the curb by City residents for pick up by the City or brought to a City Compost Area, as designated by the Director of Public Works. Bagged leaves shall be collected at curbside only if placed in degradable bags. Non-degradable bags (such as non-degradable plastic) shall be considered unacceptable when used for this purpose.

5. Corrugated cardboard shall be collected at the curbside of City streets as selected and determined by the Director of Public Works. Other City residents and business owners shall bring corrugated cardboard to the Recycling Depot. Corrugated cardboard shall be tied in bundles in a size up to three (3) feet in length and each bundle shall not exceed fifty (50) pounds in weight. If residents have over one hundred fifty (150) pounds of corrugated cardboard, they must call the City of Newark Office of Recycling to arrange for a pick-up.

6. Used motor oil from vehicles and lawn mowers shall be placed in containers and delivered to an authorized and designated used oil recycling center, gasoline stations or the Recycling Depot. Used motor oil will not be collected or picked up from premises by the City of Newark.

7. No recyclable materials other than corrugated cardboard, newspapers, magazines, glass bottles and jars, food and beverage cans (aluminum and bi-metal), used motor oil, lead acid batteries, consumer cell batteries and automobile tires, shall be permitted to be deposited at the Recycling Depot by any City Generator. In no event shall recyclable materials be placed in the street or right-of-way nor shall they be placed in plastic bags for collection.

8. Consumer cell batteries shall be deposited for collection at the City Recycling Depot and/or other locations in the City designated by the Department of Public Works.

9. White goods and scrap metals shall be deposited for collection as stipulated in Section 15:4-11.

c. Every generator shall ensure that the aforementioned recyclable materials are clean, uncontaminated and not exposed to substances or conditions which would render them unusable for recycling, before collections are made from the curb by the City, deposited at the City Recycling Depot or delivered to a recycling center.

d. Any contractor permitted by the City of Newark to conduct any construction or demolition operations with the City shall sort and separate materials such as wood, brick, concrete, asphalt pavement, asphalt roofing, scrap metals, window glass, tree stumps, logs, branches and other like materials for the purpose of recycling.

(Ord. 6 S+FK, 9-2-92 § 13A:5-4; Ord. 6 PSF-F, 6-17-09 § 2; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:12-5. NOTICE.**

Every generator shall annually advise and inform their tenants and other affected parties concerning the requirements of this chapter as well as the guidelines promulgated by the Department of Public Works. Additionally, every generator is to advise their tenants in writing as a condition of their lease of the requirements of this section and maintain written proof of the notice. (Ord. 6 S+FK, 9-2-92 § 13A:5-5; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

**15:12-6. REPORTING.**

- a. Generators from multi-family dwellings, commercial or industrial establishments and public/private institutions who have private collectors for solid waste collection shall be required annually to report the tonnage of recyclable materials by type to the City of Newark's Office of Recycling.
- b. Contractors who are conducting any construction or demolition operations in the City shall file reports, in the City's Central Permit Office. The contractor shall report the quantity of material recycled by type and weight as well as the receiving market on forms located in the City's Central Permit Office.
- c. Generators from the following list shall be required to report the tonnage of recyclable materials by type, annually to the City of Newark's Office of Recycling.
  - 1. Multi-family Dwellings.
  - 2. Commercial and Industrial Establish-ments.
  - 3. Institutions.

(Ord. 6 S+FK, 9-2-92 § 13A:5-6; Ord. 6 PSF-D, 9-15-10 § 5)

**15:12-7. TIME OF PLACEMENT.**

Recyclable materials to be collected by the City of Newark, or agents thereof, shall be placed at the curb on those days specifically specified by the City of Newark. In no event shall recyclable materials be placed in the street or the sidewalks, nor shall they be placed in plastic bags for collection. Recyclable materials shall be placed at the curb in durable reusable containers not earlier than 7:00 p.m. on the day before regular municipal collection and not later than 7:00 a.m. on the day of regular municipal collection. (Ord. 6 S+FK, 9-2-92 § 13A:5-7)

**15:12-8. PRIVATE COLLECTION.**

Commercial establishments located along commercial streets designated by the City for corrugated recycling, shall utilize a private collector. Any commercial location presently utilizing public collection will no longer receive City pick-up. All commercial sources, henceforth, must utilize private collection. (Ord. 6 S+FK, 9-2-92 § 13A:5-8; Ord. 6 PSF-D, 9-15-10)

**15:12-9. ADDITIONAL METHODS OF DISPOSAL.**

Any generator, resident or corporation may donate or sell recyclable materials to any person, partnership or corporation whether operating for profit or not for profit. The person, partnership or corporation may not, however, under any circumstances pick up the recyclable materials from the curb in the City of Newark. (Ord. 6 S+FK, 9-2-92 § 13A:5-9)

**15:12-10. OWNERSHIP AND PACKAGING OF RECYCLABLE MATERIALS FOR CURBSIDE COLLECTION OR DEPOSIT AT THE CITY RECYCLING DEPOT.**

From the time of placement at the curb, stored dumpster or City Recycling Depot by and generator, all recyclable materials shall become and be the property of the City of Newark, and it shall be a violation of this chapter for any person, firm, or corporation, including an owner of multi-family (4 or more units), other than authorized personnel of the City of Newark, or its designee to collect, pick up, or cause to be collected or picked up, such materials. Each such collection in violation hereof from one (1) or more location during the period shall constitute a separate and distinct offense. (Ord. 6 S+FK, 9-2-92 § 13A:5-10; Ord. 6 PSF-C, 4-15-15)

**15:12-11. INSPECTIONS.**

The Department of Public Works, along with all other Departments of the City of Newark who are empowered to enforce the Ordinances of the City, shall have the authority to inspect and enforce Newark's mandatory recycling ordinance at any residential, commercial, industrial or institutional facility located within the City. (Ord. 6 S+FK, 9-2-92 § 13A:5-11; Ord. 6 PSF-C, 4-15-15; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

**15:12-12. VIOLATIONS AND PENALTIES.**

- a. Any person, firm, or corporation who violates or fails or neglects to comply with any provisions of this chapter or any rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:
  - 1. First Offense. A fine of three hundred fifty (\$350.00) dollars.
  - 2. Second Offense. A fine of six hundred (\$600.00) dollars.
  - 3. Third Offense. A fine of one thousand (\$1000.00) dollars and/or up to (90) days of community service.
  - 4. Fourth and Each Subsequent Offense. A fine of two thousand five hundred (\$2,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall be deemed a separate offense and be punishable as such. Fines which are levied and recovered for noncompliance with any and all provisions of this section shall be transmitted monthly by the Court Clerk to the Collector of Taxes and deposited in the Recycling Grant Fund to be utilized for the purpose of the City's recycling program to include, but not limited to, the purchase of materials, education, awareness and improvement in services, in accordance with the provisions of N.J.S.A. 40A:4-39.
  - 5. A mandatory court appearance is required for the second and subsequent violations of this chapter provided that the second offense must be within one (1) year of the first offense.
  - 6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.
- b. Any owner of a multi-family dwelling (4 or more units) who violates or fails or neglects to comply with any provisions of this chapter or any rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty per unit as provided below:
  - 1. First Offense. A fine of three hundred fifty (\$350.00) dollars.
  - 2. Second Offense. A fine of six hundred (\$600.00) dollars.
  - 3. Third Offense. A fine of one thousand (\$1000.00) dollars and/or up to (90) days of community service.
  - 4. Fourth and Each Subsequent Offense. A fine of two thousand five hundred (\$2,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall be deemed a separate offense and be punishable as such. Fines which are levied and recovered for noncompliance with any and all provisions of this section shall be transmitted monthly by the Court Clerk to the Collector of Taxes and deposited in the Recycling Grant Fund to be utilized for the purpose of the City's recycling program to include, but not limited to. the purchase of materials, education, awareness and improvement in services, in accordance with the provisions of N.J.S.A. 40A:4-39.

(Ord. 6 S+FK, 9-2-92 § 13A:5-12; Ord. 6 PSF-D, 2-17-10 § 4; Ord. 6 PSF-C, 4-15-15)

**15:13-1. POLICY AND PROCEDURES.**

- a. Within twelve (12) months subsequent to the effective date of this chapter, the Purchasing Agent of the City of Newark must conduct a review of existing product and service specifications to determine whether existing specifications either require or exclude the use of recycled products, reusable products, or products designed to be recycled, for use by all department agencies, offices, boards and commissions.
- b. In the event that such specifications do exclude the use of recycled products or require the use of virgin materials, then such exclusions or requirements must be eliminated unless the pertinent department or entity can demonstrate to the satisfaction of the Purchasing Agent that these recycled products would not achieve a necessary performance standard.
- c. Within the same twelve (12) month period, all City departments and agencies must recommend changes to the Purchasing Agent to ensure that performance standards for particular products can be met and that specifications are not overly stringent, and to recommend changes to ensure that specifications will incorporate a requirement for the use of recycled materials, reusable products, and products designed to be recycled to the maximum extent practicable, subject to an alternative showing that either the performance of the product will be jeopardized or that the product will negatively impact health, safety or operational efficiency.
- d. Outside contractors bidding to provide products or services to the City, including printing services, must demonstrate that they will comply with the specifications described in paragraph c. of this section.
- e. City staff will work to encourage the copier industry to develop copiers that will accept recycled paper. In addition, recycled paper shall be purchased and used in all copy machines that will accept it.
- f. The Purchasing Agent shall purchase only new copiers which are capable of utilizing recycled paper.
- g. When recycled products are used, reasonable efforts shall be undertaken to label the products to indicate that they contain recycled materials. City departments and agencies shall use for their mast-head stationery and envelopes recycled paper that includes postconsumer recycled content and indicate on the paper and envelope that they contain recycled material. Other recycled products used by the City shall also indicate that they contain recycled material.
- h. Contracts shall be awarded for recycled products, reusable products offered as alternatives to disposable products, and products designed to be recycled where they are offered as alternatives to nonrecyclable products. The contract award shall be based on the lowest responsible bid or price quoted by the supplier or suppliers offering recycled products.
- i. The City will cooperate to the greatest extent feasible with neighboring city and county governments in an effort to develop a comprehensive, consistent and effective procurement effort intended to stimulate the market for recycled products, reusable products, and products designed to be recycled.
- j. All related City departments and agencies shall work cooperatively to further the purposes of this chapter. The City's economic development process shall incorporate the goal of stimulating the market for recycled material.
- k. The Purchasing Agent shall annually specify in an Annual Report, to be filed with the City Clerk, the quantity of RCRA Guideline products with recycled content in terms of their weight and percentage of acquisition in comparison to products without recycled content.

(Ord. 6 S+FA, 12-19-90)

**CHAPTER 14 SOLID WASTE MANAGEMENT REQUIRING UNIFORM PACKAGING PRACTICES<sup>2</sup>**

<sup>2</sup>**Editor's Note:** Ord. 6 S+FA, 2-15-89 replaced Ord. 6 S+FP, 11-14-88.

**15:14-1. FINDINGS AND PURPOSE.**

The Municipal Council of the City of Newark finds and declares as follows:

- a. That discarded packaging constitutes the largest single category of waste within the waste stream of the City of Newark and is, therefore, a necessary focus of any effort to reduce the amount disposed of, as well as to reduce the economic and environmental costs of waste management for the citizens of the City of Newark.
- b. That discarded non-degradable packaging and plastic contained within the waste stream of the City of Newark is considered a fundamental cause of problems associated with municipal waste disposal and litter.
- c. That disposal space is diminishing rapidly; that solid waste receiving areas outside of the Newark area are becoming increasingly uncertain and expensive; and that, for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby, streamline solid waste management must be vigorously pursued.
- d. That the chemical composition and ability of a substance to degrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, minimize the potential for toxic substances to form if solid waste is burned, reduce the volume of ash by-products that may be created by any burning of waste plastic packaging, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal program.
- e. That the use of plastic non-degradable packaging has become widespread throughout the City of Newark and that the resulting mixed substance waste stream is a serious impediment to many solid waste management programs that are being considered for the City.
- f. That the widespread use of plastics, especially polystyrene and polyvinyl chloride, pose a threat to the environment by causing unnecessary taking of landfill space or, when incinerated, by the possible introduction of toxic byproducts into the atmosphere.
- g. That the economic and environmental problems associated with a mixed substance waste stream are so severe that a program to modify the composition of solid waste, thereby reducing environmental hazards and toxicity associated with solid waste incineration and encouraging the composting of putrescible biodegradable wastes and encouraging other forms of recycling of solid waste substances, is hereby determined to be a policy goal of the City of Newark.
- h. That the waste stream within Newark is so large and diverse that any program to establish policies and laws conducive to any waste management program in lieu of landfilling must identify and set new policy for those specific sources of waste packaging which originate with this City.
- i. That certain retail establishments within Newark are points of origin for a significant volume of packaging waste and, therefor, are particularly susceptible to actions which have significant potential for simplifying the composition of this portion of Newark's solid waste stream, thereby improving solid waste management within this City.
- j. That the use of polystyrene and polyvinyl chloride for food packaging is problematical because neither of these plastics are readily recyclable; that their abundant commercial use in lieu of other plastics such as polyethylene or polypropylene unnecessarily complicates the overall chemical composition of municipal waste and subtracts from the possible emergence of a viable plastic recycling market; and that, if burned together, polystyrene and polyvinyl chloride leave a relatively heavier and, therefore, more expensive ash residue to dispose of which may also create dioxin, hydrochloric acid, or other toxic chemicals that could be emitted into the general environment of the City of Newark once burned in the resource recovery facility.
- k. That there are readily available plastic and/or paper product substitutes for most of the polystyrene and polyvinyl chloride retail food packaging now being used in the City of Newark, the use of which alternatives would be environmentally and economically advantageous to the public of the City of Newark.
- l. That plastic bags in the waste stream constitute an impediment to the development of efficient waste separation, recycling, or other waste management programs and are less desirable than paper bags because plastic bags are neither recyclable or compostable.
- m. That plastic bags used by retail establishments selling food constitutes the largest single retail source of plastic bags in the waste stream.

Therefore, the purpose of this chapter is to the maximum extent practicable, eliminate the use of non-degradable packaging originating at retail establishments with the City of Newark, in order to protect the air, land, and waters of the City of Newark against environmental contamination and degradation.

## **15:14-2. DEFINITIONS.**

As used in this section:

**Degradable packaging** shall mean packaging made of cellulose-based or other substances that are capable of being readily attacked, decomposed, assimilated, and otherwise completely oxidized or broken down by bacteria or other natural biological organisms into carbonaceous soil material or water and carbon dioxide; or in the alternate capable of otherwise degrading within twelve (12) months of manufacture, into fragments that are small relative to the original size, or into particles of a molecular weight that is low when compared to that of the original material.

**Packaging** shall mean all food-related wrappings, adhesives, cords, binding, bags, boxes, containers and disposable or non-reusable plates, cups, or drinking utensils intended for use with the City of Newark.

**Retail food establishment** shall mean all sales outlets, stores, shops or other places of business located within the City of Newark, which operate primarily to sell or convey foods directly to the ultimate consumer which foods are predominantly contained, wrapped, or held in or on packaging. "Retail food establishment" shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short order cafe; fast-food outlet; delicatessen; luncheonette; grill; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; take-out prepared food place; industrial feeding establishment; catering kitchen; grocery store; public food market; food stand; or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation, including homes, where food is processed, prepared, stored, served or provided for the public for charge.  
(Ord. 6 S+FA, 2-15-89 § 2)

## **15:14-3. PROHIBITION.**

a. No retail food establishment located and doing business within the City shall sell or convey food directly to ultimate consumers within the City of Newark unless such food is placed, wrapped, or packed in degradable packaging at the conclusion of a sales transaction for the purchase of such food, which takes place on the premises of such a retail food establishment at or near a sales counter or equivalent customer purchasing station but prior to removal of such food from the premises of such retail food establishment.

b. No retail food establishment located and doing business within the City shall sell, give, or provide eating utensils or food containers to any consumers within the City if such eating utensil or food container is composed of polystyrene or polyvinyl chloride.

c. No distributor of polystyrene or polyvinyl chloride food containers or eating utensils shall sell, give or provide such containers and utensils to retail food establishments located within the City of Newark.

(Ord. 6 S+FA, 2-15-89; Ord. 6 S+FG, 11-18-91)

## **15:14-4. CITY OF NEWARK PURCHASES PROHIBITED.**

a. The City of Newark shall not purchase any food packaging which contains polystyrene or polyvinyl chloride nor shall it sponsor any event which utilizes such packaging. All food packaging shall be biodegradable and/or photodegradable.

b. Additionally the Purchasing Agent shall exclusively advertise for the receipt of bids for degradable plastic bags for use by the City.

(Ord. 6 S+FA, 2-15-89)

## **15:14-5. REGULATIONS.**

The Director of the Department of Public Works shall issue and promulgate such rules and regulations as may be necessary to implement and carry out the provisions of this law. (Ord. 6 S+FA, 2-15-89; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

## **15:14-6. EXEMPTIONS.**

Section 15:14-3 of this law shall not apply to the following items:

a. Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruit and vegetable produce, baked goods or bread;

b. Any food packaging used at hospitals or nursing homes;

c. Any paper or other cellulose based packaging that is coated with polyethylene plastic on only one side;

d. Any plastic covers, covering material, food containers, lids, eating utensils, or straws that are not made of polystyrene or polyvinyl chloride.

e. The Director of the Department of Public Works or its authorized representative may exempt an item or type of packaging from the requirements of this chapter, upon a showing that the item or type has no acceptable equivalent and that imposing the requirements on that item or type would cause undue hardship. The documentation shall include a list of suppliers contacted to determine if substitutes are available.

f. The Director of Public Works may exempt any packaging not containing chlorofluoro-carbons ("CFC's") upon documented proof provided by the retail food establishment in a form as prescribed by and satisfactory to the Director of Public Works that recycling of these food products is occurring. The retail food establishment shall source separate and remove the food packaging from the solid waste and shall cause the recycling of the packaging, in an organized manner, into another usable product thus preventing the packaging from being disposed. At the minimum, the retail food establishment must monthly demonstrate, that at least sixty (60%) percent of the total packaging utilized is being recycled. This would include in the total that packaging being used within the premises as well as that taken from the premises.

g. Nothing contained in this chapter shall preclude the use of polystyrene packaging for meat, meat products, fish, poultry, dairy and produce packaged and sold in the City of Newark. Any packaging which occurs within the City for sale within the City shall not include CFC's.

(Ord. 6 S+FA, 2-15-89; Ord. 6 S+FF, 9-6-89; Ord. 6 S+FA, 11-13-89; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

## **15:14-7. ENFORCEMENT.**

The Director of the Department of Engineering, all employees of the Sanitation and Engineering Divisions, as well as the Department of Water and Sewer Utilities; the Director of the Department of Health and Community Wellness and all employees of Health and Inspection Divisions of the Department of Health and Community Wellness; the Director of the Department of Public Works and all employees so authorized by the Director of the Department of Public Works; the Director of the Department of Economic and Housing Development and all employees so authorized by the Director of the Department of Economic and Housing Development; all municipal elected officials and all law enforcement officers and all investigators, Alcoholic Beverage Control of the Division of Police, the Director of the Department of Public Safety and all employees so authorized by the Director of the Department of Public Safety, are hereby authorized and empowered to perform as Law Enforcement Officers solely with respect to the enforcement of the provisions of this chapter by being empowered to issue summonses for any violations thereof in accordance with the rules governing the courts of the State of New Jersey. (Ord. 6 S+FA, 2-15-89; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14; Ord. 6PSF-A(S), 1-7-16; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

**15:14-8. PENALTIES.**

Any person found guilty of violating any provision of this chapter shall be punished by a fine not exceeding one thousand (\$1,000.00) dollars. There shall be a minimum fine of one hundred (\$100.000) dollars for each violation of the provisions of this chapter when such violation involves a commercial source or trade waste. Each violation and each day a violation is committed or permitted to continue shall constitute a separate violation and shall be punishable as such. (Ord. 6 S+FA, 2-15-89)

**15:14-9. THIS CHAPTER VOIDED BY SUPERSEDING FEDERAL AND/OR STATE LAWS AND REGULATIONS.**

This chapter shall be void upon the enactment or adoption of any Federal and/or State law or regulation restricting the use of polystyrene, polyvinyl chloride or degradable packaging.

Any person found guilty of violating any provision of Chapter 6 of this Title "Disposal Facilities and Illegal Dumping" shall be punished by a fine not exceeding five thousand (\$5,000.00) dollars, or by imprisonment for a term not exceeding ninety (90) days, or both. (Ord. 6 S+FA, 2-15-89; Ord. 6 S+FD, 6-7-95)

**CHAPTER 15 OZONE-DEPLETING COMPOUNDS**

**15:15-1. DEFINITIONS.**

As used in this chapter:

**CFC food packaging** shall mean any container, carton, box, cup, lid, plate, bowl, tray or wrapping of any kind, which is or may be used to contain, package, store, insulate or serve any food and/or beverage, where any CFC has been used in the manufacturing and production of such item.

**Chlorofluorocarbons** or "**CFCs**" shall mean the family of substances containing carbon, flourine and chlorine, and having no hydrogen atoms and no double bonds, and which includes, without limitation, CFC-11, CFC-12, CFC-113, CFC-114 and CFC-115. Examples of products containing or utilizing chlorofluorocarbons are "Freon" used in air conditioning and refrigeration units, degreasers and solvents used in the cleaning of metals and electronic components and rigid and flexible foam used as packaging material and insulating material, and flexible foam used in car seats, bedding and furniture.

**City** shall mean all territory within the corporate limits of the City of Newark, County of Essex, State of New Jersey.

**City Council** shall mean the City Council of the City of Newark.

**Establishment** shall mean any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, common law trust, society or individual engaged in any profession, trade, occupation and any and every kind of calling carried on for profit or otherwise within the City, including any governmental entity or charitable organization.

**Halon** shall mean any fully halogenated carbon compound containing bromine, chlorine, or fluorine, and includes, without limitation, Halon-1301, Halon-1211 and Halon-2402.

**Licensed health care facility** shall mean any health care facility licensed either by the State of New Jersey Department of Health, pursuant to the provisions of the Health and Safety Code, or by the United States Department of Health and Human Services.

**Ozone-depleting compound** shall mean any CFC, Halon, the chemical compounds of methyl chloroform and carbon tetrachloride or any other chemical compound hereafter designated by the City Council by amendment to this chapter, as being an "ozone-depleting compound."

**Person** shall mean and include any natural person, firm, associations, partnership or corporation, whether acting as a principal agent, employee or otherwise, and includes any governmental entity or charitable organization.

**Rigid or flexible foam containing or utilizing an ozone-depleting compound** shall mean any rigid or flexible foam, such as styrofoam or thermoplastic foam, building insulation, or any other rigid or flexible foam that contains within any closed cell any ozone-depleting compound or that was produced by using an ozone-depleting compound in any manner during the manufacturing process.

(Ord. 6 S+FG, 10-4-89 § 1)

**15:15-2. PROHIBITION ON THE MANUFACTURE, SALE OR DISTRIBUTION OF PRODUCTS UTILIZING OZONE-DEPLETING COMPOUNDS.**

a. Within the City of Newark, no person shall use any ozone-depleting compound in any process or activity involving the manufacture, production, cleansing, degreasing or sterilization of any substance or product, except as otherwise provided in this section.

b. Within the City of Newark, no establishment shall package any product with rigid or flexible foam containing or utilizing an ozone-depleting compound, except as otherwise provided in this section.

c. Within the City of Newark, no establishment shall purchase, obtain, store, sell, distribute or otherwise provide to any person any CFC food packaging material, except as otherwise provided in this section.

d. *Exemptions.*

1. This section shall not apply to the study and/or research of the effects of the release of ozone-depleting compounds into the environment and/or the development of alternative technologies, where such compounds are necessary for conducting such study and research.

2. This section shall not apply to any ozone-depleting compound used as a coolant in any refrigeration or air conditioning unit or system.

3. Paragraph a. of this section shall not apply to any licensed health care facility operated either for profit or not for profit, including any medical research conducted at such facility.

4. This section shall not apply to any person manufacturing a product or component product under contract with any branch of the United States Armed Forces where applicable military specifications require the use of an ozone-depleting compound.

(Ord. 6 S+FG, 10-4-89 § 2)

**15:15-3. PROHIBITION ON THE USE OF OZONE-DEPLETING COMPOUNDS IN BUILDING INSULATION.**

In the construction of any building or structure (commercial, industrial, residential or other), no person shall install any building insulation which contains or utilizes an ozone-depleting compound. (Ord. 6 S+FG, 10-4-89 § 3)

**15:15-4. DISPOSAL OF OZONE-DEPLETING COMPOUNDS CONTAINED IN BUILDING INSULATION.**

No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, renovate or demolish any building or structure which requires removal of existing insulation that contains an ozone-depleting compound without recovering and properly disposing of such insulation in accordance with the procedures adopted by the Director of the Department of Public Works. (Ord. 6 S+FG, 10-4-89 § 4; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)



#### **15:15-5. RECYCLING OF OZONE-DEPLETING COMPOUNDS USED AS COOLANTS IN REFRIGERATION AND/OR AIR CONDITIONING UNITS.**

All establishments that repair, service or maintain any refrigeration or air conditioning unit or system, shall adopt and implement a recycling system whereby the ozone-depleting compound used as a coolant in such refrigeration or air conditioning unit or system will not be released into the environment, but will be recaptured and recycled in accordance with a recycling system approved by the Director of the Department of Public Works. Such approval shall be evidenced by a certificate issued by the Director, Department of Public Works. (Ord. 6 S+FG, 10-4-89 § 5; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:15-6. RESTRICTION ON SALE OF OZONE-DEPLETING COMPOUNDS USED AS COOLANTS IN REFRIGERATION AND/OR AIR CONDITIONING UNITS.**

No person shall sell any ozone-depleting compound for use as a coolant in a refrigeration or air conditioning unit or system to any person who does not possess and provide evidence of a certificate of possession and operation of a recycling system. (Ord. 6 S+FG, 10-4-89 § 6)

#### **15:15-7. DISPOSAL OF REFRIGERATION OR AIR CONDITIONING UNIT OR SYSTEM.**

No recycling firm, scrap yard, business or establishment which recycles or disposes of any refrigeration or air conditioning unit or system either in conjunction with the disposal of another product, or in any other manner, shall do so without first recapturing and recycling any ozone-depleting compound used as a coolant in the unit or system, or without first ensuring such coolant will be recaptured and recycled, in accordance with a recycling program approved by the Director of the Department of Public Works. (Ord. 6 S+FG, 10-4-89 § 7; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:15-8. PERMIT REQUIRED FOR TESTING FIRE EXTINGUISHING SYSTEMS OR UNITS WHICH UTILIZE HALON.**

Other than testing or training as may be required by any statute, rule or regulation mandating the release of Halon, no person shall release Halon in the training of personnel or in the testing of any fire extinguishing system unless the owner or lessee of the premises has obtained a testing permit from the Director of the Department of Public Works. (Ord. 6 S+FG, 10-4-89 § 8; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:15-9. RECLAMATION OF HALONS FROM PORTABLE FIRE EXTINGUISHING SYSTEMS OR UNITS.**

All establishments that repair, service or perform maintenance on any portable fire extinguishing system or unit shall adopt and implement a reclamation system whereby any Halons used as the extinguishing agent in any such system or unit shall not be released into the environment, but shall be recaptured and recycled or properly disposed of in accordance with a reclamation system approved by the Director of the Department of Public Works. (Ord. 6 S+FG, 10-4-89; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:15-10. ADMINISTRATION OF CHAPTER.**

The Director of the Department of Public Works shall oversee and be responsible for (i) the enforcement and administration of this chapter; (ii) establishing rules and regulations governing the recycling of ozone-depleting compounds from refrigeration and/or air conditioning units or systems; (iii) providing informational assistance to persons seeking to implement a recycling program for ozone-depleting compounds used in air conditioning and refrigeration systems; (iv) creating and implementing an educational program to provide information to local establishments, industry and residents regarding the dangers and hazards associated with products made from or utilizing ozone-depleting compounds; (v) establishing a program to encourage the development of alternative chemicals and technologies to replace the use of ozone-depleting compounds in existing products; (vi) consulting and cooperating with other local, State and Federal governmental agencies regarding the regulation of ozone-depleting compounds and other matters affecting the environment and the health, safety and general welfare of the public; (vii) coordinating and consulting with other agencies and departments within the City of Newark to facilitate the administration, application and enforcement of the provisions of this chapter and to address any other environmental issues which affect the health, safety and general welfare of the public; (viii) such other duties and responsibilities as may be directed. Upon a showing by any person that there is no technically feasible alternative for such use of an ozone-depleting compound is currently available, the Director of the Department of Public Works, upon finding that there is no technically feasible alternative for such use, may grant an exemption from any section or subsection of this chapter. The Director of the Department of Public Works is authorized to draft regulations and to take any and all actions reasonable and necessary to enforce this chapter, including, but not limited to, inspection of any establishment's premises to verify compliance with this chapter. (Ord. 6 S+FG, 10-4-89; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:15-11. SCIENCE ADVISORY COMMITTEE.**

The Municipal Council hereby establishes the Science Advisory Committee for the purpose of assisting and providing information to the Director of the Department of Public Works concerning the effects of ozone-depleting compounds and other matters regarding the environment and the health, safety and general welfare of the public. The Director of the Department of Public Works shall nominate individuals to serve as members of the Science Advisory Committee, whereafter such nominees shall be approved by the Municipal Council. The Director of the Department of Public Works shall serve as chairperson of the Committee and shall formulate policies and procedures to govern the operations of the Committee. (Ord. 6 S+FG, 10-4-89; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:15-12. ENFORCEMENT.**

The Director of the Department of Engineering, all employees of the Sanitation and Engineering Divisions, as well as the Department of Water and Sewer Utilities; the Director of the Department of Health and Community Wellness and all employees of Health and Inspection Divisions of the Department of Health and Community Wellness; the Director of the Department of Public Works and all employees so authorized by the Director of the Department of Public Works; the Director of the Department of Housing and Economic Development and all employees so authorized by the Director of the Department of Housing and Economic Development; all municipal elected officials and all law enforcement officers and all investigators, Alcoholic Beverage Control of the Division of Police, the Director of the Department of Public Safety and all employees so authorized by the Director of the Department of Public Safety are hereby authorized and empowered to perform as Law Enforcement Officers solely with respect to the enforcement of the provisions of this chapter by being empowered to issue summonses for any violations thereof in accordance with the rules governing the courts of the State of New Jersey. (Ord. 6 S+FG, 10-4-89; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14; Ord. 6PSF-A(S), 1-7-16; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

#### **15:15-13. PENALTIES.**

Any person found guilty of violating any provision of this chapter shall be punished by a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars. There shall be a minimum fine of one hundred twenty-five (\$125.00) dollars for each violation of the provisions of this chapter. Each violation and each day a violation is committed or permitted to continue shall constitute a separate violation and shall be punishable as such. (Ord. 6 S+FG, 10-4-89; Ord. 6 PSF-O, 2-17-10 § 5)

### **CHAPTER 16 IMPROPER DISPOSAL OF WASTE INTO MUNICIPAL STORM SEWER SYSTEM**

#### **15:16-1. DEFINITIONS.**

For the purpose of this chapter, the following terms, phrases and words shall have the following meanings:

a. **Municipal separate storm sewer system (MS4)** shall mean a conveyance or system of conveyances, including, but not limited to roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, which are owned or operated by the City of Newark and designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewerage at all times and to collect and transport stormwater from streets and other sources.

b. **Stormwater** shall mean any water resulting from precipitation (including rain or snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

(Ord. 6 S+FJ, 5-17-06)

**15:16-2. PROHIBITED CONDUCT.**

No person shall spill, dump, or dispose of materials (litter, solid waste, or liquid pollutants) other than stormwater into the municipal separate storm sewer system operated by the City of Newark. (Ord. 6 S+FJ, 5-27-06)

**15:16-3. EXCEPTIONS TO PROHIBITION.**

The following discharges shall be exempted from the prohibition set forth in Section 15:16-2, supra.

- a. Water line flushing and discharges from potable water sources;
- b. Uncontaminated groundwater (e.g. infiltration, crawl space, or basement sump pumps, foundation of footing drains, rising groundwater);
- c. Air conditioning condensation (excluding contact and non-contact cooling water);
- d. Irrigation water;
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges, and diverted stream flows;
- f. Residential car washing water and residential swimming pool discharges;
- g. Flows from firefighting activities;
- h. Flows from rinsing of the following equipment with clean water:
  - 1. Beach maintenance equipment immediately following their use for their intended purpose;
  - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g. sweeping or shoveling). Recovered materials are to be returned to storage for reuse or properly discarded.
  - 3. Rinsing of equipment, as noted above, is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

(Ord. 6 S+FJ, 5-17-06)