

## **§ 20-1. COLLECTION OF SOLID WASTE.**

### **§ 20-1.1. Definitions. [1974 Code § 72-1; Ord. No. 86-20; Ord. No. 91-36]**

As used in this section:

**ASHES** — Shall mean only all residue from coal or wood burning, and shall not include any garbage, refuse or other waste.

**DEAD ANIMAL** — Shall mean the entire carcass of the animal, such as but not limited to a dog, a cat, a rat, a skunk or an opossum, but shall not include any portion of the body of any animal, fowl or fish normally removed and discarded in the preparation of such animal, fowl or fish for human consumption.

**GARBAGE** — Shall mean all animal or vegetable waste which, due to its animal or vegetable content, may decompose, cause odor or attract flies or other insects.

**REFUSE** — Shall mean all other material not described in the definitions of this section as "garbage" or "ashes."

**SOLID WASTE** — Shall mean all garbage, refuse 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 solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

### **§ 20-1.2. Containers; Pickup Schedule. [1974 Code § 72-2; Ord. No. 86-20; Ord. No. 86-22; Ord. No. 91-36; Ord. No. 01-40-OAB; amended 4-17-2023 by Ord. No. 23-14-OAB; 3-18-2024 by Ord. No. 24-08-OA]**

- a. Containers for garbage shall be made of galvanized iron or plastic. They shall be equipped with a proper fitting cover and be watertight. Containers shall have a capacity not in excess of 32 gallons and, when filled, shall not exceed 50 pounds in weight. Drums of any type shall not be used for garbage, even if fitted with lids and handles.
- b. Solid waste collection shall be limited to curbside collection along public streets or roads that have been dedicated to and accepted by the Township. The Township Sanitation Department shall not enter upon private property to remove solid waste from dumpsters or other containers.
- c. The Mayor is hereby authorized and directed to establish and promulgate reasonable regulations detailing the manner, days and times for the collection of solid waste as are required to implement this section.
- d. An automated refuse container can be obtained from the Department of Public Works. A second automated refuse container may be purchased at the following rate: \$65 for a large container and \$55 for a small container.
- e. Extra garbage collection can be scheduled with the Department of Public Works for a fee of \$250 per pickup.

**§ 20-1.3. Plastic Bags. [1974 Code § 72-3; Ord. No. 86-20]**

Plastic bags for garbage may be used, provided that such bags are securely fastened at the top and fit containers as defined in subsection 20-1.2. Plastic bags for other than garbage use shall be securely fastened at the top, shall not weigh more than 50 pounds and shall not contain broken glass or sharp objects, unless such objects are wrapped in such a manner as to prevent piercing the plastic.

**§ 20-1.4. Ashes. [1974 Code § 72-4; Ord. No. 86-20]**

Ashes shall be placed in metal containers only.

**§ 20-1.5. Rags, Cloth and Other Combustible Material. [1974 § 72-5; Ord. No. 86-20]**

Rags, cloth or other combustible material not placed in a garbage container of a type described in subsection 20-1.2 or 20-1.3 hereof shall be packaged or wrapped and tied securely to prevent scattering and to facilitate handling. Rags, cloth or other combustible material shall be protected against wetness to keep weight at a minimum.

**§ 20-1.6. Mattresses.<sup>1</sup> [Added 5-29-2022 by Ord. No. 22-09-OAB]**

Mattresses shall be collected on scheduled bulk days and/or when scheduled after a request is called in to the Division of Sanitation. The mattresses shall not be placed at the curb earlier than the night before the pickup is scheduled to be made. Mattresses shall be in an appropriate mattress bag, and/or wrapped in plastic so as to protect the handler from direct contact with the mattress.

**§ 20-1.7. Leaves, Grass, Clippings, Garden Refuse and Branches. [1974 § 72-7; Ord. No. 86-20]**

Hedge or shrubbery clippings, tree clippings, tree trimmings and garden refuse will be accepted if securely tied in bundles not exceeding 48 inches in length and 24 inches in diameter. Leaves, grass cuttings and weeds will be accepted for collection if placed in plastic bags of the type hereinabove mentioned or in securely tied burlap bags, if protected from wetness.

**§ 20-1.8. Appliances. [1974 § 72-8; Ord. No. 86-20; Ord. No. 92-49; Ord. No. 02-10-OAB§ 1]**

- a. Household appliances (refrigerators, washers, ranges, dishwashers, water heaters, sinks and televisions) shall be collected when scheduled after a request is called in to the Division of Sanitation. The appliances shall not be placed at the curb earlier than the night before the pickup is scheduled to be made. Appliances that weigh over 250 pounds will not be picked up.

**§ 20-1.9. Dead Animals and Excrement. [1974 § 72-9; Ord. No. 86-20; Ord. No. 96-14]**

No person shall place with any garbage, ashes, refuse or other material placed for collection with the Division of Sanitation any dead animal or human excrement, except that soiled disposable

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1. Editor's Note: Former subsection 20-1.6, Construction Materials, previously codified herein and containing portions of 1974 Code § 72-6 and Ord. No. 86-20, was deleted in its entirety by Ordinance No. 09-20-OAB. See Section 20-4, Construction, Renovation and Demolition Debris.

diapers and animal excrement may be collected when placed in a container of types mentioned in subsection 20-1.2 and 20-1.3 hereof.

**§ 20-1.10. Disposal in Unauthorized Areas. [1974 § 72-10; Ord. No. 86-20]**

No person shall throw or otherwise place any garbage, refuse, ashes or other materials of the types described in subsections 20-1.4 through 20-1.9 into or upon any street, road or other public or private place.

**§ 20-1.11. Explosives and Flammable Materials. [1974 § 72-11; Ord. No. 86-20]**

No person shall place on the curb, as herein elsewhere required, or anywhere else for collection any explosive or flammable materials, such as but not limited to benzine, gasoline, petroleum, explosive powder, nitrocellulose film or unbroken fluorescent tubes or discarded cathode ray tubes.

**§ 20-1.12. Cleanout/Moveout Fees. [Ord. No. 08-34-OAB § 1; Ord. No. 2012-11-OAB; amended 3-18-2024 by Ord. No. 24-08-OA]**

No person shall place at the curb or anywhere else the contents of a residential dwelling for collection at the time of an entire cleanout of the dwelling unless and until a fee of \$250 is paid to the Township of Berkeley and arrangements are made with the Department of Public Works for such collection. The \$250 fee is limited to a collection that would fill a 4 by 4 by 8 container. Amounts in excess of that limitation will necessitate additional \$250 fee(s) as applicable.

**§ 20-1.13. Construction Debris. [Added 3-18-2024 by Ord. No. 24-08-OA]**

The disposal of construction debris for pickup by the Township shall be prohibited. Violators shall be subject to violations and penalties as contained in this chapter.

**§ 20-1.14. Commercial Collections. [1974 Code § 72-12; Ord. No. 86-20; Ord. No. 91-36]**

- a. No solid waste shall be collected from any multifamily use, manufacturing, commercial, office or other business establishment.
- b. For purpose of this section, a "multifamily use" shall be any use consisting of four or more residential units located on a single lot or a combination of two or more contiguous lots in common ownership.

**§ 20-1.15. Placement of Items for Collection. [1974 Code § 72-13; Ord. No. 86-20; Ord. No. 91-36; Ord. No. 96-38 § 1]**

All solid waste set or placed for collection shall be placed as near as possible on or along the curbline of the nearest street or road that has been dedicated to and accepted by the municipality in such manner so that they will not become overturned and shall not be set or placed or permitted to be located in any gutter, road or on any walk, sidewalk or public thoroughfare so as to interfere with public travel. All solid waste shall be placed at the curb not earlier than 4:00 p.m. on the day preceding a scheduled pickup. All solid waste containers shall be removed from curbside the same day as the scheduled pickup.

**§ 20-1.16. Disposal in Public Walks and Thoroughfares Prohibited. [1974 Code § 72-14; Ord. No. 86-20]**

No refuse, grass clippings, hedges, hedge clippings, shrubbery clippings, tree branches, tree cuttings or other similar materials shall be placed, pushed, raked or swept in or onto any public walk, sidewalk, gutter, road, roadway or public thoroughfare. Such shall be in containers, tied, packaged or bundled for collection, and set or placed for collection as specified in subsection 20-1.7 of this section or placed in containers of the types described in subsection 20-1.2 and 20-1.3.

**§ 20-1.17. Hazardous Waste. [1974 Code § 72-15; Ord. No. 86-20]**

Hazardous waste, as defined under any New Jersey Statute or any rules or regulations promulgated by any agency of the State of New Jersey, in any form or in any container shall not be collected. These wastes must be handled under the direction of the Department of Environmental Protection and in accordance with its rules and regulations and State and Federal laws.

**§ 20-1.18. Violations and Penalties. [1974 Code § 72-16; Ord. No. 86-20; Ord. No. 88-43; Ord. No. 97-7 § 2; Ord. No. 02-62-OAB § 1]**

- a. Any person, partnership, corporation or other entity who violates any provision of this section other than subsection 20-1.10, shall be subject to one or more of the following penalties: no more than \$1,000 or imprisonment in the Ocean County Jail not exceeding 90 days or a period of community service not exceeding 90 days.
- b. (Reserved)
- c. Notwithstanding the provisions of paragraphs a and b of this section, the Berkeley Township Law Department is authorized to take all necessary legal action, including the filing of a law suit, against any person convicted of violations of any provision of subsection 20-1.10 to recoup any costs incurred by the Township of Berkeley as a result of the violations.