

**Chapter 358**  
**SOLID WASTE**



## ARTICLE I

**General Provisions****[Adopted 12-31-1975 as § 4-9 of the 1975 Code]****§ 358-1. System established. [Amended 2-10-1997 by Ord. No. 1175<sup>1</sup>; 8-2-2004 by Ord. No. 1467]**

There shall be established a system for the collection, removal and disposal of ashes, refuse, rubbish, garbage and recyclable materials, which system shall be operated by the Mayor and Council of the Borough, either through the Department of Public Works or by an independent scavenger contract under the direction of the Mayor and Council of the Borough, and the cost shall be paid by general taxation. The Mayor and Council may establish and make reasonable rules and regulations with respect to the collection of ashes, refuse, rubbish, garbage and recyclable materials.

**A. Collection services.**

- (1) The Borough shall collect all garbage, refuse and recyclable materials for single-family dwellings in accordance with this chapter.
- (2) The Borough shall not collect garbage, refuse and recyclable materials from any commercial buildings or establishments unless they meet the Borough garbage collection specifications.
- (3) In accordance with the provisions of N.J.S.A. 40:66-1 et seq., the Borough shall collect all garbage, refuse and recyclable materials for qualified private communities or provide for reimbursement therefor, in the discretion of the Borough.
- (4) In accordance with the provisions of N.J.S.A. 40:66-1.2 et seq., the Borough shall collect all garbage, refuse and recyclable materials for multifamily dwellings or may provide for reimbursement therefor, in the discretion of the Borough.

**B. Multifamily and commercial collection.** Except as provided above, arrangement for collection of garbage, refuse and recyclable materials shall be made by the property owner/agent and/or tenants for regular collection by a licensed hauler or haulers. Trash containers will be periodically inspected by the Department of Public Works to insure that no recyclable materials are mixed in with garbage and trash. The proper ways to prepare recyclable materials from garbage shall be the responsibility of the private licensed hauler. It is the responsibility of the private owner and/or its agent to educate and enforce proper

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1. **Editor's Note: This ordinance also provided as follows: "Pending the expiration of the existing scavenger contract executed by the Borough of River Edge which contract is scheduled to expire on December 31, 1998, the Borough shall permit the collection of garbage of commercials in accordance with the policy previously established. Upon expiration of said contract, commercial entities shall be responsible for the collection of their garbage and recyclable materials in accordance with the provisions of this amendment and in accordance with the Borough Ordinance."**

source separation of the recyclable materials from garbage if the property has tenants. If violations are identified from any properties, the Department of Public Works or any duly authorized agent of the Borough may issue a warning or summons.

### **§ 358-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ASHES** — The residue of any materials used as fuel for heating or cooking purposes after combustion has taken place.

**COMMERCIAL** — Any nonresidential buildings or establishment, including but not limited to those used for retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias. **[Added 2-10-1997 by Ord. No. 1175]**

**CONDOMINIUM** — The form of real property ownership provided for under the “Condominium Act,” N.J.S.A. 46:8B-1 et seq. **[Added 8-2-2004 by Ord. No. 1467]**

**COOPERATIVE** — A housing corporation or association wherein the holder of a share or membership interest in the corporation or association is entitled to possess and occupy, for dwelling purposes, a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing constructed for or by the corporation or association. **[Added 8-2-2004 by Ord. No. 1467]**

**FEE SIMPLE COMMUNITY** — A private community which consists of individually owned lots or units and provides for common or shared elements or interests in real property. **[Added 8-2-2004 by Ord. No. 1467]**

**GARBAGE** — Organic waste, such as meat, fat, bones, fish, fruit, vegetables and any other articles or materials which will decay or burn. It shall not include night soil or manure or spoiled or decayed vegetables, fruit or condemned foods from storage stores engaged in the sale of food products.

**HORIZONTAL PROPERTY REGIME** — The form of real property ownership provided for under the “Horizontal Property Act,” N.J.S.A. 46:8A-1 et seq. **[Added 8-2-2004 by Ord. No. 1467]**

**MULTIFAMILY DWELLING** — Any building or structure or complex of buildings or structures in which five or more dwelling units are rented or leased or offered for rental or lease for residential purposes, except hotels, motels or other guesthouses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the “Hotel and Multi Dwelling Law,” N.J.S.A. 55:13A-1. **[Added 2-10-1997 by Ord. No. 1175; amended 8-2-2004 by Ord. No. 1467]**

**QUALIFIED PRIVATE COMMUNITY** — A residential condominium, cooperative, fee simple community, or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a community trust or other trust

device, condominium association, home-owners' association, or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not for-profit entity consisting exclusively of unit owners within the community. No apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises shall be considered a qualified private community. **[Added 8-2-2004 by Ord. No. 1467]**

**REFUSE** — Inorganic waste, such as sweepings, bottles, glass, crockery, tin cans and other food containers, oyster and clam shells and similar domestic refuse which will not burn.

**RUBBISH** — Those readily combustible materials, such as paper and materials of a similar nature.

**SINGLE-FAMILY DWELLING** — Any single-family home or any apartment building or housing complex containing less than four dwelling units, plus any housing complex consisting of four or more dwelling units in which the majority of such units are separately owned in fee or as condominiums. The ownership of 50% or more of the dwelling units in any such housing complex by a single individual, group of individuals or entity(s) shall disqualify such complex from being a single-family dwelling for purposes of this article. To the extent that the provisions of this article shall be in conflict with the Condominium Municipal Services Act, N.J.S.A. 40:67-23.2, the above statute shall be dispositive. **[Added 2-10-1997 by Ord. No. 1175]**

### **§ 358-3. Materials not collected by Borough.**

The Mayor and Council of the Borough shall not remove garden rubbish, tree or hedge clippings, building materials or refuse of any kind resulting from building operations or repairs, nor shall trade waste of any kind be removed, except garbage, as defined above, from places of business.

### **§ 358-4. (Reserved)<sup>2</sup>**

### **§ 358-5. Receptacles; separation.**

- A. The receptacles or containers for garbage shall be metallic or hard plastic watertight vessels fitted with proper covers, which vessels shall be not less than 10 inches nor more than 20 inches in diameter and not less than eight inches nor more than 36 inches in height. The receptacles or containers for ashes shall be no more than 26 inches in height and 20 inches in diameter and shall not be filled higher than three inches below top of the receptacle. Heavy-duty plastic bags are permitted for the holding of rubbish and garbage, provided that it is of sufficient strength and has been approved by the Department of Public Works. The plastic bags shall be tied and watertight. In no event shall any receptacle, container, vessel or bag contain more than 50 pounds of

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2. Editor's Note: Former § 358-4, Equipment and provisions for collection, was repealed 8-2-2004 by Ord. No. 1467.

rubbish, refuse, garbage, leaves, grass, clippings, etc. **[Amended 11-26-1979 by Ord. No. 753]**

- B. All garbage, as defined in Article II, must be placed in separate receptacles or containers and shall not be mixed with ashes or refuse; and all rubbish must be placed in separate receptacles or containers and shall not be mixed with ashes or refuse; otherwise, the Department of Public Works or scavenger contractor may refuse to remove the same. **[Amended 11-26-1979 by Ord. No. 753]**

**§ 358-6. Rules and regulations. [Amended 12-9-0005 by Ord. No. 1520]**

The Mayor and Council of the Borough may establish, make and amend rules and regulations for the government of the employees or person engaged in the collection, removal and disposal of ashes, rubbish, garbage and recycling; they shall also fix the number and time and manner of collection thereof, not inconsistent with the provisions of this article. Nothing herein contained shall be construed to affect, alter, change or modify any rule, regulation or ordinance of the Board of Health.

**§ 358-7. Restrictions on materials collected.**

- A. No refuse, waste materials, rubbish or garbage of any kind or any recycling materials will be removed from the rear of any private building at the expense of the Mayor and Council of the Borough **[Amended 12-9-0005 by Ord. No. 1520]**
- B. Restrictions on materials collected. No garbage, refuse, rubbish and containers or receptacles for garbage, refuse or rubbish shall be placed or be permitted to remain forward of the building line of any premises and at the curb in the Borough for collection except between 5:00 p.m. of the day preceding the regular collection and 8:00 p.m. of collection day. At all other times the area forward of the building line and at the curb shall be clear of garbage, refuse, rubbish and containers or receptacles for garbage, refuse or rubbish. **[Amended 11-26-1973 by Ord. No. 753<sup>3</sup>]**

**§ 358-8. Violations and penalties. [Added 12-16-1996 by Ord. No. 1172]**

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

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3. Editor's Note: Former Section h, Permission to dump automobiles, which immediately followed this subsection, was deleted 12-16-1996 by Ord. No. 1172.

## ARTICLE II

**Recycling****[Adopted 12-31-1975 as § 4-9.2 of the 1975 Code]****§ 358-9. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

ALUMINUM — Refers to all recyclable aluminum. Aluminum shall be contained in suitable occupant- or owner-supplied containers.**[Added 2-21-1984 by Ord. No. 849]**

CONSTRUCTION AND DEMOLITION DEBRIS — Refers to source-separated nonputrescible recyclable material generated from the construction, alteration, repair, maintenance and/or demolition of structures within Bergen County. This material shall include concrete, bricks, block, ferrous and nonferrous scrap, asphalt, asphalt shingles, recyclable wood scrap and any and all other material generated from the construction, alteration, repair, maintenance and/or demolition of a structure or structures within Bergen County that a municipality may deem recyclable.**[Added 3-21-1994 by Ord. No. 1094]**

CORRUGATED CARDBOARD — Refers to structural material shaped in parallel furrows and ridges for rigidity, used to make packing and shipping containers.**[Added 3-21-1994 by Ord. No. 1094]**

DWELLING UNIT — Includes a one-family home, two-family home, multifamily home and apartments.

GLASS — Refers to all products made from silica or sand, soda ash and limestone, the product being transparent or translucent, and being used for packaging or bottling of various matter and all other materials, excluding, however, blue and flat glass commonly known as "window glass." Glass shall be contained in suitable occupant- or owner-supplied containers.**[Added 2-21-1984 by Ord. No. 849; amended 11-5-2007 by Ord. No. 1587]**

HEAVY METAL — Refers to all metal scrap containing steel and/or cast iron.**[Added 3-21-1994 by Ord. No. 1094]**

MAGAZINES — Includes all magazines or periodicals printed on glossy stock or paper of heavier quality than that commonly recognized as newsprint.

MULTIFAMILY HOUSING DEVELOPMENT — Refers to a building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.**[Added 3-21-1994 by Ord. No. 1094]**

RECYCLING AREA — Refers to space allocated for collection and storage of source-separated recyclable materials.**[Added 3-21-1994 by Ord. No. 1094]**

SOLID WASTE — Refers to all garbage and rubbish normally placed in the rear yard or at the curb by the residents and commercial occupants of the

Borough of River Edge at regular collection.**[Added 2-21-1984 by Ord. No. 849]**

TIN CANS — Refers to all cans made of steel or tin. The most common are tin-plated steel cans which contain food.**[Added 3-21-1994 by Ord. No. 1094]**

USED NEWSPAPERS — Includes paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

WHITE GOODS — Refers to used appliances such as refrigerators, washers, dryers and stoves.**[Added 3-21-1994 by Ord. No. 1094]**

### **§ 358-10. Program established.**

There is hereby established a program for the collection of newspapers and magazines within the Borough of River Edge for the purpose of resale or disposal of the same by the Borough of River Edge for recycling purposes.

### **§ 358-11. Source separation required.**

A. Newspapers, magazines and cardboard. All owners, lessees or occupants of dwelling units shall be required from the effective date of this article to separate from their solid wastes or trash all newspapers, magazines and cardboard which shall be picked up and disposed of separately by employees or agents of the Borough of River Edge, or any persons, firm or organization so designated by the Borough of River Edge, or any charitable organization, including but not limited to the Boy Scouts, Girl Scouts and Explorer Scouts, which may be designated by the Mayor and Council of the Borough of River Edge; such separation shall be in accordance with the following terms and conditions: **[Amended 11-5-2007 by Ord. No. 1587]**

- (1) All newspapers will be bundled with twine or other secure arrangements to ensure that they will not be capable of being windblown or distributed on the public streets, and provided further that the maximum weight of any bundle does not exceed 30 pounds (approximately 12 inches high).
- (2) All magazines and cardboard will be bundled with twine or other secure arrangements to ensure that they will not be capable of being windblown or distributed on the public streets, and provided further that the maximum weight of any bundle does not exceed 30 pounds (approximately 12 inches high).
- (3) Bundles of newspapers, magazines and cardboard as described in Subsections A(1) and (2) above shall not remain, in the case of one- and two-family houses, at the house or garbage pickup location for other refuse, but instead shall be placed by the owner, lessee or occupant at the curb on the days designated for such purposes by



the Mayor and Council of the Borough of River Edge, a schedule of said days to be published at various intervals, at least once a year, by the Borough of River Edge, in the Town Newsletter and in any official newspaper of the Borough of River Edge. In the case of other dwelling units, such as apartment houses, the owner or manager of said multi-dwelling units shall ensure that a special place is designated for the storage of said magazines, newspapers and cardboard, and all lessees of said dwelling units shall be required to separate such items and place the same in said designated place as aforesaid; the owner or manager of said multi-dwelling units shall notify the Department of Public Works Superintendent of the location of said area. Said location is to be subject to the approval of both the Superintendent of the Department of Public Works and the Borough Fire Inspector.

(4) Placement of bundles of newspapers or magazines shall not be made at the curb prior to 5:00 p.m. of the date before pickup.

B. Glass, aluminum and recyclable plastic. **[Added 2-21-1984 by Ord. No. 849; amended 11-5-2007 by Ord. No. 1587]**

(1) In the case of glass, aluminum and recyclable plastic, and upon passage of a directive by the Mayor and Council of the Borough of River Edge, it shall be mandatory for all persons who are owners, lessees or occupants to separate glass, aluminum and recyclable plastic from all other solid waste produced by any such resident and nonresident, and to bundle the same glass, aluminum cans and recyclable plastic for pickup, collection and recycling.

(2) Anything herein to the contrary notwithstanding, any person who is an owner, lessee or occupant may donate or sell recyclables to any person, partnership or corporation, whether operated for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances pick up said recyclables from curbside in the Borough of River Edge, whether or not said recyclables are placed at curbside on or immediately preceding or following regular curbside collection.<sup>4</sup>

C. Heavy metal, white goods and tin cans. On or after the effective date of this subsection, by the Mayor and Council of the Borough of River Edge: **[Added 3-21-1994 by Ord. No. 1094]**

(1) It shall be mandatory for all persons who are owners, lessees or occupants to separate heavy metal, white goods and tin cans and all other solid waste produced by any such resident and nonresident, and to separately bundle the same heavy metal, white goods and tin cans for pickup, collection and recycling.

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4. **Editor's Note: The former last unnumbered paragraph of Section I, dealing with violations and penalties, which immediately followed this subsection, was deleted 12-16-1996 by Ord. No. 1172.**

- (2) All persons who are owners, lessees or occupants shall separate heavy metal, white goods and tin cans and all other solid waste produced by any such resident and nonresident, and to separately bundle the same. Heavy metal, white goods and corrugated cardboard may be disposed of at the Department of Public Works.
- D. Household-generated batteries. On or after the effective date of this subsection, by the Mayor and Council of the Borough of River Edge, it shall be mandatory for all persons who are homeowners, lessees or occupants to separate household-generated batteries and all other solid waste produced by any such resident and nonresident, and to recycle and deliver household-generated batteries to any household hazardous collection program. **[Added 12-19-1994 by Ord. No. 1121<sup>5</sup>]**
- E. Residential- and commercial-generated construction and demolition debris. **[Added 2-16-2010 by Ord. No. 1691]**
- (1) On or after the effective date of this subsection, all persons who are homeowners, lessees or occupants are to separate household-generated construction and demolition debris, as defined in § 358-9, from all other solid waste produced, and to recycle same, where practical. A proposed plan for recycling shall be submitted to the Borough Building Department as part of an application for any building or demolition permit, as the case may be. The Borough Building Department shall immediately provide a copy of the plan to the Borough Recycling Coordinator.
- (2) The building permit holder shall provide the Building Department an invoice from the container company evidencing recycling tonnage, when available.

### **§ 358-12. Emergency pickups.**

Under emergency conditions, the time and place for pickup as otherwise prescribed by § 358-11 may be varied by resolution of the Mayor and Council or by pronouncement from the Mayor and Council of the Borough of River Edge with notice to the residents given in the Town Newsletter and/or any official newspaper of the Borough of River Edge or, where necessary, by radio, television or any other means of communication designated by the Mayor.

### **§ 358-13. Recycling areas for multifamily housing developments. [Added 3-21-1994 by Ord. No. 1094]**

- A. There shall be included in all multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of the recycling area which shall be sufficient to accommodate recycling bins or containers which

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5. Editor's Note: Former Section III, Violations and penalties, which immediately followed this subsection, was deleted 12-16-1996 by Ord. No. 1172.

are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located.<sup>6</sup> **[Amended 12-9-2005 by Ord. No. 1520]**

- B. The recycling area shall be conveniently located for the residential disposition of source-separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.
- C. The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measure shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.
- D. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid or otherwise covered so as to keep the paper or cardboard dry.
- E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- F. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.
- G. The recycling area, where the Borough of River Edge is responsible for the recycling pickup of the multifamily housing development, shall be located curbside adjacent to a public street.<sup>7</sup>
- H. The multiple family dwellings who are receiving solid waste collection services or reimbursement for same by the Borough must provide recycling tonnage slips, at least quarterly, to evidence an adequate recycling program as a condition to continue service or reimbursement. **[Added 12-9-2005 by Ord. No. 1520]**

**§ 358-14. Collection. [Amended 12-16-1996 by Ord. No. 1172]**

Collection from curbside of such bundles of recyclable materials shall be made by the current garbage scavenger or by contract for outside services as directed by the Mayor and Council of the Borough of River Edge, with

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6. Editor's Note: See N.J.S.A. 40:55D-28.

7. Editor's Note: Former Section III, Violations and Penalties, which immediately followed this subsection, was deleted 12-16-1996 by Ord. No. 1172.

primary administrative supervision being under the control of the Superintendent of the Department of Public Works of the Borough of River Edge, subject to the approval of the Mayor and Council of the Borough of River Edge.

**§ 358-15. Sale of collected materials. [Amended 12-16-1996 by Ord. No. 1172]**

The Superintendent of the Department of Public Works, with the approval of the Mayor and Council of the Borough of River Edge, is authorized from time to time by bid or by contract approved by the Mayor and Council to sell and deliver the recyclable materials so collected in order to obtain the best possible price therefor depending upon market conditions at the time of sale. Said bid or contract may provide for a method of payment whereby the Borough of River Edge is to share with the party who collects said used recyclable materials in the moneys received on a percentage basis to be determined by the contract.

**§ 358-16. Disposal through sale or by gift. [Amended 12-16-1996 by Ord. No. 1172]**

Nothing in this article shall be deemed to prohibit any owner, lessee or occupant from disposing of recyclable materials privately through sale or gift of the person concerned; provided, however, that in no event shall such recyclable materials be left at the curb for any private pickup, and further provided that in no event shall any recyclable materials be disposed of as part of the solid waste pickup by the Borough of River Edge scavenger in accordance with the normal pickup by the Borough of River Edge. Excepted from this provision are pickups by charitable organizations designated by the Mayor and Council of the Borough of River Edge as authorized by § 359-11.

**§ 358-17. Unlawful collection; ownership. [Amended 12-16-1996 by Ord. No. 1172]**

From the time of placement at the curb by any person of used recyclable materials for collection by the Borough of River Edge pursuant to the rules and regulations established hereunder, such used recyclable materials shall be and become the property of the Borough of River Edge. It shall be a violation of this article for any person unauthorized by the Superintendent of the Department of Public Works to collect or pick up or cause to be collected or picked up any such used recyclable materials for any purpose whatsoever once the same has been placed at the curb, since private disposal thereof must be done in accordance with the terms of § 358-16 of this article. Any and each such collection in violation hereof from one or more premises shall constitute a separate and distinct offense punishable as hereinafter provided.

**§ 358-18. Violations and penalties. [Amended 12-16-1996 by Ord. No. 1172]**

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.<sup>8</sup>

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**8. Editor's Note: Former Section 10, dealing with maximum fines, which immediately followed this section, was deleted 12-16-1996 by Ord. No. 1172.**



## ARTICLE III

**Dumping****[Adopted 8-17-1981 as Ord. No. 802 (§ 4-9.3 of the 1975 Code)]****§ 358-19. Definitions.**

For the purposes of this article, certain terms are defined as follows:

**GARBAGE** — Decayed animal or vegetable matter, originating in homes, kitchens, restaurants, hotels, produce markets, stores and other places where food and food products are stored and prepared for sale for human consumption.

**PERSON** — Any individual, firm, corporation, association of persons, partnership, their agents and employees, including owners, contractors and truckers.

**RUBBISH** — Broken or discarded crockery, glass, bottles, cooking utensils, food containers, papers, magazines, small pasteboard boxes, small cardboard cartons, chemicals, tires, motor vehicle parts, appliances, construction debris, dirt, soil, paper wrappings, cans, leaves, wood, glass or any substance or material which might affect the health or welfare of the public or render the streets or public places unsightly or any other similar object or thing.

**§ 358-20. Disposal and dumping restrictions.**

- A. No garbage, rubbish or other waste material shall be spilled, deposited or placed on any sidewalk, street, road, highway, public or private property or thrown into any brook or other waters within the Borough.
- B. Garbage and rubbish may be deposited at locations established by the Borough, provided that they are deposited where printed signs are indicated, or where they are directed by a public employee.
- C. Garbage and rubbish shall be disposed of in accordance with rules and regulations established by the State Department of Health and ordinances and rules of the Borough of River Edge.
- D. Garbage and rubbish shall be placed for collection in accordance with the Rules and Regulations set forth by the Mayor and Council for their collection.

**§ 358-21. Violations and penalties. [Amended 11-7-1988 by Ord. No. 969]**

- A. For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof. **[Amended 12-16-1996 by Ord. No. 1172]**

- B. Except as may otherwise provided, each and every day during which a violation of any provision of this article exists shall constitute a separate violation and offense.



## ARTICLE IV

**Grass and Foliage Recycling****[Adopted 4-18-1988 as Ord. No. 960 (§ 4-9.5 of the 1975 Code)]****§ 358-22. Definitions.**

For the purposes of this article, all definitions of Articles I and II of this chapter shall apply, and certain terms as defined as follows:

FOLIAGE — Any herbage, including hedges, flowers and plants but excluding tree leaves and trees. This definition shall include that part of a hedge or tree directly attached to the herbage and commonly referred to as "twigs."

GRASS — A green herbage providing ground cover. This definition shall include the term "grass clipping."

**§ 358-23. Systems established.**

There is hereby established a system for the collection of grass and foliage generated from dwelling units, for storage or recycling by the Borough.

**§ 358-24. Separation and pickup requirements.**

- A. Beginning at 12:00 a.m. on May 1 through 11:59 p.m. on October 31 of each year, all owners, lessees or occupants of dwelling units shall dispose of grass and foliage as required by this article.
- B. Separation and placement. Grass clippings, hedge clippings and other forms of foliage shall be separated from any refuse, rubbish, garbage, recyclable material, branches, roots, rocks or dirt. Grass and foliage shall be placed in receptacles complying with § 358-5, along the curb. Grass and foliage may not be placed in biodegradable bags or in any bag which is not biodegradable. **[Amended 6-15-1992 by Ord. No. 1049]**

**§ 358-25. Collection regulations.**

The placement of grass and foliage at curbside shall be governed by rules and regulations established from time to time by the Borough of River Edge, with notice to the owners, lessees or occupants of dwelling units given in the Town Newsletter and for any official newspaper of the Borough of River Edge. The Superintendent of the Department of Public Works, with the approval of the Mayor and Council, is authorized to formulate a grass and foliage pickup schedule. All owners, lessees or occupants will be notified of the collection schedule in the same manner as they would of any rules and regulations pursuant to Article III hereinabove.

**§ 358-26. Storage recycling.**

The Superintendent of the Department of Public Works, with the approval of the Mayor and Council, is authorized to store and recycle grass and foliage

for composting or mulching, and to dispose of the grass and foliage for these or other purposes, as permitted by law.

**§ 358-27. Violations and penalties. [Amended 12-16-1996 by Ord. No. 1172]**

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

## ARTICLE V

**Commercial and Industrial Source Separation  
[Adopted 5-2-1988 as Ord. No. 963 (§ 4-9.6 of the 1975 Code)]****§ 358-28. Compliance required.**

The owners and occupants of real property used for apartments, multiple-family dwellings, commercial purposes, industrial purposes and institutional purposes for which the removal and collection of rubbish, refuse and garbage is accomplished by an independent scavenger contractor shall comply with all ordinances and regulations related to the recycling of certain materials, as are set forth in this chapter.

**§ 358-29. System established.**

The Superintendent of the Department of Public Works shall establish a system for the monitoring of separation of recyclable materials, other solid wastes and for the disposal of such recyclable materials by property owners or occupants subject to this article. Property owners and occupants subject to this article shall be responsible, together with their independently retained scavenger contractors, to comply with the regulations of the Superintendent of the Department of Public Works.

**§ 358-30. Violations and penalties. [Amended 12-16-1996 by Ord. No. 1172]**

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

**§ 358-31. Fees. [Amended 12-16-1996 by Ord. No. 1172]**

Upon the filing of such forms as shall be required by the Superintendent of the Department of Public Works to comply with the provisions of this article, the property owner, occupant or independent scavenger contractor shall pay a filing fee as set forth in the Borough Fee Schedule, adopted by resolution of the Borough Council, on file in the office of the Borough Clerk.

**§ 358-32. Enforcement.**

The Superintendent of the Department of Public Works shall be responsible to supervise the compliance with the various provisions of this article by those to whom its sections apply.



## ARTICLE VI

**Leaf Collection****[Adopted 5-21-1990 as Ord. No. 1003]****§ 358-33. Definitions.**

For the purposes of this article, all definitions of this chapter shall apply, and certain terms are defined as follows:

DWELLING UNIT — A one-family home, a two-family home, multifamily home and apartments.

LEAF — A lateral outgrowth from a stem that forms part of the foliage of a tree.

**§ 358-34. System established.**

There is hereby established a system for the collection of leaves generated from dwelling units during the period from January 1 through December 31 of each year, for storage or recycling by the Borough.

**§ 358-35. Separation and pickup requirements.**

- A. Beginning at 12:00 a.m. on January 1 through 11:59 p.m. on December 31 of each year, all owners, lessees or occupants of dwelling units shall dispose of leaves as required by this article.
- B. Separation and placement of leaves. Leaves shall be separated from any refuse, rubbish, garbage, recyclable material, branches, grass, roots, rocks or dirt. Leaves shall be placed along the curb, in the street or roadway; they shall be piled so as not to extend more than three feet into the roadway or street. Leaves should not be placed within 10 feet of any storm sewer inlet. Leaves should not be placed along the curb, in the street or roadway more than seven days from when they would be collected. **[Amended 9-15-2003 by Ord. No. 1440; 11-20-2006 by Ord. No. 1554]**

**§ 358-36. Collection.**

- A. The Superintendent of the Department of Public Works, with the approval of the Mayor and Council, is authorized to formulate a leaf pickup schedule. All owners, lessees or occupants will be notified of the collection schedule in the same manner as they would of any rules and regulations pursuant to § 358-35B hereinabove.
- B. As an alternate to Subsection A above, all persons occupying a residential premises may deliver leaves generated at the premises to Department of Public Works facilities after December 31.

**§ 358-37. Storage recycling.**

The Superintendent of the Department of Public Works, with the approval of the Mayor and Council, is authorized to store and recycle leaves for composting or mulching and to dispose of the leaves for these or other purposes, as permitted by law. As an alternative to § 358-36B, all persons occupying a residential premises may mulch or compost leaves generated at that premises.

**§ 358-38. Violations and penalties. [Amended 12-16-1996 by Ord. No. 1172]**

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

## ARTICLE VII

**Leaf Disposal by Landscapers  
[Adopted 11-19-1990 as Ord. No. 1011]****§ 358-39. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

COMMERCIAL LANDSCAPER — A person or entity whose business involves the placing, planting, arranging, trimming, cutting, removing of trees and maintenance of lawns, trees, bushes, gardens and related appurtenances on land or property for the purpose of improving the same, where such land exceeds in the aggregate one acre of unimproved land.

IN-HOUSE GROUND CREW — An employee or group of employees whose job duties involves the placing, planting, arranging, trimming, cutting, removing of trees and maintenance of lawns, trees, bushes, shrubs, gardens and related appurtenances on land or property for the purpose of improving the same, where such land exceeds in the aggregate one acre of unimproved land.

UNIMPROVED LAND — Land that surrounds objects that are attached to the land in a permanent manner. Such objects as trees, improvements, buildings and permanent railroad trackage are considered as the improved portion of the land, which shall exceed in the aggregate one acre and have a use that is not governmental or a subentity thereof, or nonprofit. The measurement of the aggregate of one acre shall apply to ownership as it appears in the Borough of River Edge Tax Duplicate.

VEHICLE — Every device in, upon or by which a person or property is or may be transported upon a highway.

**§ 358-40. Leaf disposal permit required.**

Every commercial landscaper or in-house ground crew that disposes of leaves in the manner prescribed by this article shall be required to comply with the following:

- A. They shall file an application for a leaf disposal permit with the Borough Clerk. The application shall be in writing and signed by the applicant. **[Amended 12-16-1996 by Ord. No. 1172]**
- B. The application shall set forth the name, address and telephone number of the applicant. The application shall also set forth the name and address of the owner of the property that is being serviced.
- C. The application shall contain a certification that only leaves originating in River Edge shall be disposed of in the manner indicated by this article.

- D. The name of the landscaping company or employer shall be clearly indicated on both sides of any vehicle used in said operation and shall be no less than three inches in height.
- E. Tags identifying that vehicles have been properly registered must be displayed on each vehicle used in the disposal of leaves.
- F. An annual fee as set forth in the Borough Fee Schedule, adopted by resolution of the Borough Council, on file in the office of the Borough Clerk, shall be paid to the Borough Clerk for each one acre of unimproved land area serviced, with ownership as shown in the Borough of River Edge Tax Duplicate. **[Amended 12-16-1996 by Ord. No. 1172]**
- G. Registration shall be renewed no later than March 31 of each year. The registration is for the duration of the year on a calendar-year basis from January 1 to December 31 of the year the annual fee was paid.

**§ 358-41. Alternative disposal.**

Every commercial landscaper or in-house ground crew disposing of leaves, in addition to this article, may opt to dispose of the leaves in the following manner:

- A. Leaves for disposal may be stockpiled or placed on private property for not more than 72 hours.
- B. The Public Works Manager or his designee shall survey the trucks to be used that day in disposing the leaves and the cubic yardage of leaves to be disposed from the private property.
- C. Each truck shall check in at the Department of Public Works, 1 John P. Lynch Way, and obtain an entry ticket to the Leaf Compost Facility. Each entry ticket shall entitle the holder to dispose of the truckload of leaves in a predesignated area. The ticket will be time stamped, initialed by the driver, include the registration tag number, and a copy shall be kept by the Department of Public Works. **[Amended 11-5-2018 by Ord. No. 18-21]**

**§ 358-42. Violations and penalties. [Amended 12-16-1996 by Ord. No. 1172]**

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.