

**BOROUGH OF PALISADES PARK
BERGEN COUNTY, NEW JERSEY**

ORDINANCE # 2026-4

**AMENDING CHAPTER 153: "GARBAGE, RUBBISH AND REFUSE" OF THE CODE OF
THE BOROUGH OF PALISADES PARK**

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Palisades Park, County of Bergen, State of New Jersey, that Chapter 153: "Garbage, Rubbish and Refuse" of the Code of the Borough of Palisades Park is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**ARTICLE I
Collection**

§ 153-1. Findings.

It is found by the Mayor and Council that conservation of recycling materials has become an important public concern in improving our environment, and the growing problem of solid waste disposal has shown the increasing necessity to conserve our natural resources. It is further a finding that the Board of Chosen Freeholders has advised that, because of the lack of space at the county sanitary landfill areas under their jurisdiction and control, after April 1, 1975, the acceptance of newspaper at any county sanitary landfill area as part of refuse delivered for disposal will be prohibited. It is further a finding that the separation of newspaper and magazines from refuse is in the best interest of the borough and promotes the general welfare.

§ 153-2. Definitions.

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

COMMERCIAL ESTABLISHMENT — Includes any and all establishments which conduct general business such as the supplying of goods and or services

CONTAINER — A watertight metal or plastic waste can with a tight-fitting cover; plastic disposable bag of not less than three mils' thickness, suitably tied; craft-paper disposable bag of 100 pounds' wet strength; or other receptacle as may be approved.

DWELLING UNIT — Includes one-family homes, two-family homes, multifamily homes and apartments, and, where applicable, shall include commercial establishments.

GARBAGE — Any accumulation of animal, fruit or vegetable waste matter resulting from the use, storage or consumption of food.

INDUSTRIAL ESTABLISHMENT — Includes all establishments which conduct general manufacturing or processing of material for future resale

MAGAZINES — Periodicals with a glossy finish known as "coated stock," not including normal rotogravure sections of newspapers which may be included with newspapers.

REFUSE — Includes garbage, ashes and all other waste materials but shall not include recyclable materials

RUBBISH — Household appliances, fixtures and furniture; screens; storm windows; yard waste; grass and hedge clippings; weeds and shrubbery resulting from the normal maintenance of lawns, gardens and grounds; and other waste of a similar nature and kind, including grass trimmings and tree branches.

USED NEWSPAPER — 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.

WASTE — All refuse, and shall also include and not be limited to garbage, ashes, yard waste, bulk refuse, rubbish, litter and dead animals; excluding, however, organic human waste or parts.

§ 153-3. Storage.

- A. All garbage and rubbish shall be stored in and collected from containers not to exceed 30 gallons in capacity and 65 pounds in gross weight.
- B. All yard waste shall be stored in either plastic disposable bags of not less than three mils' thickness, suitably tied, or craft-paper disposable bags with 100 pounds wet strength, suitably sealed.
- C. No waste shall be stored in or collected from containers which are rusted or damaged to the extent they are not rodent-, fly- or watertight.

§ 153-4. Separation of newspapers and magazines.

All owners, lessees or occupants of dwelling units or commercial establishments shall be required from May 22, 1975, to separate from their garbage all newspapers and magazines, which shall be picked up and disposed of separately by employees of the borough or such other persons or organizations who may be duly authorized by the borough; the time and day of such pickups and all other rules and regulations not included herein shall be determined by resolution of the Mayor and Council. Such separation shall be in accordance with the following terms and conditions:

- A. 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, provided that the maximum weight of any bundle does not exceed 30 pounds (approximately 12 inches high).
- B. All magazines will be bundled with twine and other secure arrangements to ensure that they will not be capable of being windblown or distributed on the public streets, provided that the maximum weight of any bundle does not exceed 30 pounds (approximately 12 inches high).
- C. Storage of newspapers and magazines prior to the pickup day as determined by the Mayor and Council shall be in a location within an enclosed structure. In the case of dwelling units other than one- and two-family homes, the owner of the dwelling unit and/or commercial establishment shall ensure that a special place is designated for the storage of the magazines and newspapers, and all lessees or inhabitants of the dwelling unit or commercial establishment shall be required to separate such items and place the same in the designated place. Prior to the establishment of the designated place, the owner shall advise the Superintendent of Public Works and the Borough Fire Chief as to the location, which shall be subject to their approval.

- D. The owner, lessee or occupant of any dwelling and/or commercial establishment shall place such separate newspapers and magazines at the curb prior to 7:00 a.m. of the day designated for pickup by the Mayor and Council. From the time of placement on the curb, such materials shall become and be the property of the Borough of Palisades Park.

§ 153-5. Curbside collection of newspapers and magazines; private disposal through sale or gift.

- A. Collection from the curbside of newspapers and magazines shall be made by the borough employees or by any other such duly authorized persons or organizations or by contract for outside services as directed by the Mayor and Council of the borough.
- B. Nothing in this section shall be deemed to prohibit any owner, lessee or occupant from disposing of newspapers and magazines privately through sale or gift of the person concerned, provided that in no event shall such newspapers and magazines be left at the curb for any private pickup and further provided that in no event shall any newspapers or magazines be disposed of as part of the solid waste pickup by the borough in accordance with the normal pickup by the borough.

§ 153-6. Unauthorized collection prohibited.

It shall be a violation of this article for any person not authorized hereunder to collect or pick up or cause to be collected or picked up any such newspapers or magazines for any purpose whatsoever once the same have been placed on the curb. Any and each such collection in violation hereof from one or more premises shall constitute a separate and distinct offense punishable as established in Chapter 1, General Provisions, § 1-15.

§ 153-7. Signs on vehicles of authorized collectors.

The Borough Clerk shall cause a sign measuring not less than 11 inches by 14 inches and bearing the legend "authorized newsprint collector, Borough of Palisades Park," as the case may be, to be issued to the authorized collector, which sign or signs shall be displayed conspicuously on the exterior of any truck or vehicle employed by the collector within the borough.

§ 153-8. Rules and regulations; pickup schedule.

The Mayor and Council shall, by appropriate resolution, promulgate all rules and regulations for the collection of garbage, newspapers and magazines and shall, by appropriate resolution, establish a schedule of pickup of the aforesaid.

§ 153-8.1. Industrial establishments.

- A. Commencing January 1, 1991, owners of industrial establishments shall at their sole cost and expense provide for refuse collection and disposal of refuse generated by said properties. No municipal refuse collection shall be provided for said properties.
- B. After January 1, 1991, any refuse placed at curbside for municipal pickup by an establishment designated in Subsection A of this section will be tagged by municipal works and left at curbside.
- C. Any refuse so tagged shall be immediately removed from curbside by the owner of the property.

- D. Refusal to remove refuse tagged pursuant to this section within 24 hours shall result in the issuance of a summons returnable in Municipal Court.

§ 153-8.2. Commercial establishments.

- A. Commencing February 1, 1991, owners of commercial establishments shall at their sole cost and expense provide for refuse collection and disposal of refuse generated by said properties. No municipal refuse collection shall be provided for said properties.
- B. After February 1, 1991, any refuse placed at curbside for municipal pickup by an establishment designated in Subsection A of this section will be tagged by municipal works and left at curbside.
- C. Any refuse so tagged shall be immediately removed from curbside by the owner of the property.
- D. Refusal to remove refuse tagged pursuant to this section within 24 hours shall result in the issuance of a summons returnable in Municipal Court.

§ 153-8.3. Yard waste.

Sweeping, raking, blowing, or otherwise placing yard waste that is not containerized within the cartway is prohibited. If such placement of yard waste occurs, the party responsible for the yard waste, must remove the yard waste from the street or said party shall be deemed in violation of this section. Additionally, any private vendor contracted by a party for yard waste cleanup must remove the yard waste from the street or said vendor shall be deemed in violation of this section. At no time shall yard waste be placed for collection in plastic bags; however, pursuant to § 153-3B, it may be stored prior to collection in suitable plastic bags.

§ 153-8.4. Private Refuse Removal

It shall be unlawful for owners, operators, agents, servants or employees of heavy and light industries, motels, gasoline service stations, public garages, and contractors or their agents, servants, employees, and subcontractors performing services at residential dwellings to place any garbage, offal, refuse, rubbish, waste, trash, boxes, containers, cartons and papers on any roadway or other public areas for collection by the Borough. Instead, they shall provide for their own private refuse and trash removal at their own cost and expense.

All apartment complexes, condominiums, townhouses or garden apartments constructed pursuant to a permit by the Construction Code Department or a variance from the Board of Adjustment or Planning Board, which permit or variance required a private container service to remove garbage, refuse, rubbish, waste, boxes, containers, cartons, papers and trash from such premises shall continue to dispose of such waste in the same manner, and nothing in this section shall be construed to, in any way, alter the responsibility of such premises to so provide for garbage and trash removal.

The Borough realizes that under certain instances, private carting or container service may be an untenable solution due to logistic limitations. In recognition of these instances, and only with the Palisades Park Department of Public Works Superintendent or his designee's prior consent, commercial wholesale or retail establishments shall be permitted, for the purpose of garbage removal, a maximum of either six thirty-two-gallon garbage cans or six plastic bags. Cans or bags must be devoid of all recyclable items and maximum weight shall not exceed 50 pounds. Any waste exceeding this established six items limit per collection day shall be subject to a fee to be determined by the Superintendent or his designee. This fee shall be nonnegotiable and binding and

shall be based upon fair market value or price.

There will be no collection of trash from commercial establishments.

§ 153-9. Administration and enforcement.

The Police Department and all members thereof, the Superintendent of the Department of Public Works and members thereof authorized by the Superintendent, and the Health Officers of the borough shall have the right to issue summonses to all persons violating this article.

ARTICLE II
Mandatory Recycling of Waste Material

§ 153-10. Definitions.

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

ALUMINUM — Recyclable aluminum cans.

CARDBOARD — Cardboard from commercial sources (corrugated).

COMMERCIAL RECYCLABLES — All those recyclable items and materials which shall, pursuant to the terms of this article, be collected through private contractual arrangements and agreements between commercial property owners and private haulers or recyclers.

FERROUS SCRAP — Heavy iron, structural steel or cast-iron components.

FOOD WASTE — Spoiled fruits and vegetables, stale baked goods, meat trimmings, plate scrapings and renderings.

GLASS — All products made from silica or sand, soda ash and limestone which are transparent or translucent and used for packaging or bottling of various matter and all other materials commonly known as "glass"; excluding, however, blue or flat glass commonly known as "window glass." Glass from commercial generators such as bars and grills must be delivered to the recycling depot.

HOUSEHOLD-GENERATED BATTERIES — Includes any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container consisting of a combination of two or more voltaic or galvanic cells, electrically connected to produce electric energy, composed of lead, lithium, manganese, mercury, mercuric oxide, silver oxide, cadmium, zinc, copper or other metals or any combination thereof, including the following: non-rechargeable alkaline: common cell alkaline, zinc and lithium types in AAA, AA, C, D, 9 volts and lantern sizes; rechargeable alkaline; nickel cadmium and sealed lead acid, also available in common cell sizes AAA, AA, C, D and 9 volts; and button cells: silver oxide, lithium, zinc air and alkaline-manganese

JUNK MAIL — Magazines, stock, white and color bond paper and envelopes.

MANDATORY RECYCLABLES — Residential sector.

- (1) Newspaper.
- (2) Glass beverage containers.
- (3) Aluminum cans.
- (4) Ferrous scrap.
- (5) Leaves.

- (6) White goods.
- (7) Tin cans.
- (8) Grass.
- (9) Construction and demolition debris (concrete, brick, tree parts, nonferrous/ferrous metal, asphalt, corrugated cardboard, where practical).
- (10) Corrugated cardboard.
- (11) Mixed paper.
- (12) Type 1 and 2 plastic containers.

B. Commercial sector.

- (1) Corrugated cardboard.
- (2) High-grade office paper.
- (3) Glass beverage containers.
- (4) Ferrous scrap.
- (5) White goods.
- (6) Aluminum cans.
- (7) Mixed paper.
- (8) Construction and demolition debris (concrete, brick, tree parts, nonferrous/ferrous metal, asphalt, corrugated cardboard; where practical).
- (9) Type 1 and 2 plastic containers.

MUNICIPAL RECYCLABLES — All those recyclable materials, as defined herein, which shall be, pursuant to the terms of this article, picked up by the Borough of Palisades Park and the Department of Public Works of the Borough of Palisades Park pursuant to the regulations established by the Director of the Department of Solid Wastes Management.

OIL RETAILER — Any person or commercial business who sells to consumers lubricating or other oil in containers for use of the retailers premises.

PLASTICS — Containers composed of high-density polyethylenes, polyethylene terephthalate or other specific plastics as the Borough of Palisades Park may, from time to time, designate.

PUBLIC RECYCLABLES — All those recyclable materials or items which shall be generated by all municipal buildings and properties, including all school buildings and those buildings or properties owned or maintained by the Board of Education of the Borough of Palisades Park.

REGULATIONS — Such rules, implementation dates, schedules or times and such other requirements promulgated by the Director of the Solid Wastes Management Department and approved by the Borough Council as may be necessary to carry out the purposes and objectives of this article.

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. Expressly excluded, however,

are all magazines or similar periodicals as well as all other paper periodicals of any nature whatsoever.

USED OIL — A petroleum-based or synthetic oil which is used in an internal combustion engine as an engine lubricant or as a product used for lubricating transmissions, gears or axles which through use, storage or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

USED OIL COLLECTION TANK — Any tank, whether above- or below-ground, into which oil is drained.

WHITE GOODS — Refrigerators, stoves, washing machines, dryers and hot-water heaters.

YARD WASTE — Leaves.

§ 153-11. Responsibilities of property owners; exceptions.

All persons, except those physically disabled, who are owners, lessees or occupants of residential, commercial or institutional properties in the borough shall be bound by the applicable provisions of this article, which shall include, but not be limited to, the following obligations: to separate used newspapers, aluminum cans, glass, plastics and yard waste from any other trash and garbage produced by any such residences and to separately bundle the same for pickup, collection and recycling, in accordance with all applicable regulations. Household-generated batteries shall be separated and disposed of in the receptacle provided at the offices of the Department of Public Works.

§ 153-12. Separation and placement in containers.

All separated recyclables shall be placed for pickup, collection and recycling in strict conformity with the following regulations, provided that said regulation applies to the particular property in question:

- A. Used newspapers shall be separated and secured in bundles, not to exceed 12 inches in height. Such bundles shall not be contained in plastic bags.
- B. Aluminum shall be separated and secured in suitable reusable containers supplied by the owner, lessee or occupant.
- C. Glass shall be separated and contained in suitable, reusable containers supplied by the owner, lessee or occupant. Containers constructed of paper or cardboard materials shall be deemed not suitable for this purpose.
- D. (Reserved)
- E. All corrugated cardboard shall be bundled or tied together in any reasonable fashion designed to hold the cardboard together.
- F. All recyclables, whether municipal, commercial or public, shall be source-separated by the person to whom this article relates as set forth in § 153-11.
- G. Construction and demolition debris (concrete brick, tree parts, nonferrous/ferrous metals, asphalt, corrugated cardboard) shall be placed separately in Type I and II plastic containers.

§ 153-14. Recyclables to be property of borough.

From the time of placement at the curb for pickup, collection and recycling, recyclables shall be the property of the Borough of Palisades Park or its duly authorized agent. No person unauthorized by the Borough of Palisades Park shall collect or pick up or cause to be collected or picked up any such recyclables. Each collection or pickup of recyclables in violation hereof from any one or more residences shall constitute a separate and distinct offense.

§ 153-15. Collection by certain groups permitted.

No provision herein shall be construed to prohibit groups or individuals who shall be authorized by the Director of the Department of Solid Wastes Management from collecting or picking up recyclables at curbside or otherwise in such manner and under such terms and conditions as shall be prescribed by the Director. No such collection or pickup shall conflict or interfere with pickup and collection by the borough and its duly authorized agent(s).

§ 153-16. Collection of commercial recyclables.

- A. Commercial recyclables shall be collected pursuant to an agreement between any commercial property owner and the private hauler with which it has contracted for the collection of its garbage and trash. Alternatively, the commercial property owner may enter into an agreement with a recycler for the purpose of making said collections. This section shall apply to all commercial properties and property owners which presently utilize private collection services pursuant to the Code of the Borough of Palisades Park.
- B. Commercial recyclables shall include corrugated cardboard, high-grade office paper, glass, beverage containers, ferrous scrap, white goods, aluminum cans, mixed paper, and construction and demolition debris (concrete brick, tree parts, nonferrous/ferrous metal, asphalt, corrugated cardboard; where practical) and Type 1 and 2 plastic containers.

§ 153-17. Collection of public recyclables.

- A. Public recyclables shall include office paper, junk mail and food waste as well as glass, aluminum, tin and bimetal containers and ferrous scrap. These public recyclables shall be all those recyclable materials and items which are produced or generated by public, municipal or school buildings or properties within the Borough of Palisades Park.
- B. All public recyclables shall be picked up and collected by the Borough of Palisades Park through the offices of the Department of Public Works pursuant to the same requirements as municipal recyclables as defined herein.
- C. Mandatory recyclables are as set forth in § 153-10, Definitions.

§ 153-18. Setout times, bundling and containerization.

The requirements set forth in this section shall apply to all recyclable material, including municipal recyclables, commercial recyclables and public recyclables.

- A. No recyclable materials, as set forth in this article, shall be placed at curbside no earlier than 6:00 p.m. the night before the scheduled day of collection.
- B. If a specific bundling or containerization requirement is set forth herein, all parties to which this article applies must comply with the same. If no specific bundling or containerization requirement is described in this article, the recyclables shall be bundled or containerized in such a manner as to prevent the materials from blowing or becoming loose so as to create an

unsightly or messy condition on or around the subject property.

§ 153-19. Used oil.

A. Proper disposal of used oil.

- (1) No person shall dispose of used oil except to a used oil collection site.
- (2) No person shall contaminate used oil or a used oil collection tank by the introduction of water, antifreeze, gasoline, solvent, industrial waste or any other contaminant.

B. Posting requirements.

- (1) All oil retailers shall post and maintain, at or near the point of sale, a durable sign, not less than 11 inches by 15 inches in size, so that it is easily visible to the public, informing the public of the importance of the proper collection and disposal of used oil and how and where used oil may be properly disposed of.
- (2) All operators of used oil collection sites shall post and maintain a durable and legible sign not less than 11 inches by 15 inches in size, so that it is easily visible to the public, informing the public that it is a collection site for the disposal of used oil.

C. Used oil collection site.

- (1) All used oil collection sites shall accept without charge up to five gallons of used oil per day from any person.
- (2) The operator of a used oil collection site shall collect used oil in a manner which is safe for users of the site.

§ 153-20. Demolition of structures.

A. Applicability. This section shall be applicable to the demolition of any structure and shall include, but not be limited to, construction debris, demolition debris, roofing debris, trees, including stumps, branches and shrubbery, excavation such as water-main and gas line pipes, ferrous or wood railroad tracks and pilings of all kinds.

B. Demolition permit; security requirements. Prior to the issuance of a permit for the demolition of any structure pursuant to N.J.A.C. 5:23-2.17 or other applicable regulation, the person, firm or entity making such application shall post with the Construction Official security in the form of cash, certified check, irrevocable letter of credit or surety bond issued by a surety company authorized to do business in New Jersey. Such security shall be in the amount of \$1,000 for one- and two-family homes and accessory buildings and \$10,000 for all other buildings. The purpose of the security or condition of the bond shall be to insure that demolition shall have been performed in a good and workmanlike manner as well as to guarantee compliance with Subsection C of this section, in addition to all other regulations governing demolition. In the event that a bond is posted, the beneficiary of the security or obligee shall be the owner or owners of the land and any persons having an interest in the realty involved on which the demolition is taking place, and the term of any security, be it cash, certified check, irrevocable letter of credit or surety bond, shall terminate no earlier than the expiration date of the demolition permit, plus an additional 30 days.

C. Recycling tonnage application form.

- (1) Within five days after completion of demolition of any building or structure, the

applicant shall cause to be filed with the Recycling Official of the borough a municipal recycling tonnage application commercial business form and accompanying documentation. Such form shall be available from the Construction Official and shall be filed with the Recycling Official of the borough.

- (2) The applicant shall attach to the recycling tonnage application form all recycling tonnage receipts and/or certified tipping receipts. In the event that the applicant fails to supply this documentation, no certificate of occupancy or other certificate of approval shall be issued for the subject premises. In addition, the Building Department may withhold from the surety deposit the amount of \$300 for failure to comply with said requirement for submission of tipping and/or tonnage receipt.
- D. Disposition of security. In the event that, within 30 days after demolition of the building or structure, the Recycling Official has not received the required documentation pursuant to Subsection C of this section, and the Construction Official has been notified, in writing, of the commencement of litigation and the court in which such litigation has commenced and that said litigation alleges a violation of the purpose or condition of the security or bond posted herewith, the Construction Official shall forthwith transmit such security or bond to the clerk of the court involved for disposition of the matter.

§ 16-12.3. Collection of Recyclable Materials.

The collection of recyclable materials shall be in the manner prescribed as follows:

- a. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk or, in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. As noted above, receptacles or other items to be disposed of shall be placed at curbside no earlier than 6:00 p.m. the night before the scheduled day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.
- b. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Borough of Palisades Park, including Chapter 193, Nuisances.

§ 153-21. Residential Dwelling Compliance Requirements.

- a. The owner of any residential property shall be responsible for compliance with this section. Citizens are responsible for source-separating mandated items according to this section and delivering them to the municipal collection system (whether curbside collection, bulk center or drop-off center). These items must be source-separated; no mandated recyclables are permitted in the garbage put out for collection; no garbage is permitted in recyclables placed in the municipality's collection system.
- b. For multifamily units, the owner or manager is responsible for the following:
 1. The property owner/management is responsible for ensuring that a recycling system is established and that it is operated in compliance with the requirements of this section. The property owner/management is responsible for setting up and maintaining the recycling system. The property owner/management is responsible for receiving and responding to warnings, notices of violation, and penalty assessments and for correcting violations. The property owner/management will be expected to correct violations

promptly and to make necessary direct contacts with residents.

2. Drop-off centers (bulk centers), if in use, must be established and maintained so that they are conveniently accessible to residents. Curbside collection may be made available in place of, or in conjunction with, these drop-off centers. The recycling system must provide for all designated recyclables in the residential waste stream. The recycling system may utilize separate containers for each recyclable material, or it may provide for two or more materials to be placed in one container provided the recycling hauler can take the materials commingled. Containers must be clearly marked and the area neatly maintained. Container capacity must be adequate to hold the amount of materials generated between pick-ups. It must be clear to an inspector that the system is being serviced.
3. It must be clear that the system is being used properly by employees and tenants. There must not be garbage in the recycling containers or recyclables in the garbage containers. The property owner/management is responsible for resolving problems which may arise from the improper use of containers and for training employees and tenants to property understand and use the recycling system.
4. Notification and collection rules shall be issued by the management to new tenants when they arrive and to all residents every three months. Copies of these notices, or other proof of distribution of the notices, must be sent to the Municipal Recycling Coordinator at the time of each mailing or distribution.
5. The property owner/management is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.
6. The property owner/management must arrange to obtain documentation in order to report the tonnages of materials recycled at least once per year (or as specified by the municipality) or else he/she must arrange to have the collector provide that documentation directly to the municipality. Arrangements with recycling companies or with haulers handling recyclables should include provisions for obtaining this information. Documentation must be maintained by the management. When the municipality provides recyclables collection service, reporting and proof are not needed.
7. Single-/dual-stream recycling. Multifamily locations may opt to collect their recyclables in a single stream or dual stream (fiber, commingled), provided the material recovery facility (MRF) that receives the material has certified that it has the ability to separate and maximize the capture rate of the designated recyclables. The BCUA will compile and maintain an updated list of those facilities.

§ 153-21.1. Commercial and Institutional Establishment Compliance Requirements.

- a. The owner/operator (or in case of construction, the contractor) is responsible for ensuring that a recycling system is established and that it is operated in compliance with the requirements of this section. The owner/operator/contractor is responsible for setting up and maintaining the recycling system. The owner/operator/contractor is responsible for receiving and responding to warnings, notices of violation, and penalty assessments and for correcting violations promptly.
- b. The recycling system must be established and maintained so that it is conveniently accessible to users. The recycling system must provide for all designated recyclables in the commercial/institutional waste stream. The recycling system may utilize separate containers for each

recyclable material, or it may provide for two or more materials to be placed in one container provided the recycling hauler can take the materials commingled. Containers must be clearly marked and the area neatly maintained. Container capacity must be adequate to hold the amount of materials generated between pick-ups. It must be clear to the inspector that the system is being serviced.

- c. The owner/operator/contractor must ensure that the system is being used properly by employees, customers or tenants. There must not be garbage in the recycling containers or recyclables in the garbage containers. The owner/operator/contractor is responsible for resolving problems which may arise from the improper use of containers and for instructing employees, tenants, and customers to understand and use the recycling system.
- d. If patrons, customers or employees are involved in the waste disposal process (i.e., fast-food stores or company cafeteria), the recycling system must allow for this and include notice to customers as to their responsibilities.
- e. The owner/operator/contractor is responsible for arranging for recyclables to be removed from the premises and for assuring that they go into the recyclables market. The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center or curbside collection) if permitted by the municipality. Otherwise, the owner/operator/contractor is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.
- f. The owner/operator/contractor must arrange to obtain documentation in order to report the tonnages of materials recycled at least once per year (or as specified by the Borough), or else he/she must arrange to have the collector provide that documentation directly to the municipality.
- g. Single-/dual-stream recycling. Commercial and institutional establishments may opt to collect their recyclables in a single stream or dual stream (fiber, commingled), provided the material recovery facility (MRF) that receives the material has certified that it has the ability to separate out and maximize the capture rate of the mandated recyclables. The BCUA will compile and maintain an updated list of those facilities.
- h. Recycling containers. Commercial and institutional establishments that have outdoor garbage containers for their customers must also have outdoor recycling containers. There must be sufficient recycling containers for any mandated recyclables in the commercial/institutional waste stream.
- i. All schools must provide written notice at the beginning of each school year to all students, teachers, and other staff on the recycling requirements. The notice must contain a contact number to call if they observe any problems associated with recycling or if recycling is not properly occurring.
- j. Single-stream recycling of mixed classes of construction recyclables. Construction/demolition sites may opt to collect all recyclables in one container, provided there are no other materials (including garbage) in that container. To qualify for this provision, recyclables must go to a transfer station/MRF that is properly permitted by the New Jersey Department of Environmental Protection and has certified that it has the ability to separate out and maximize the capture rate of the mandated materials. The specific materials that may be commingled together will be determined by the provisions in the receiving transfer station/MRF's permit.

- k. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products and maintain such records as may be prescribed, for inspection by any code enforcement officer.

§ 153-21.2. Requirements for Fairs, Parks, Concerts, Streets, and Other Outdoor Events.

- a. The organizer/owner/contractor of the location must provide a recycling system that is operated in compliance with the requirements of this section.
- b. The recycling system must provide for any mandated recyclables generated at the event. It must be clear to an inspector that the system is being serviced: i.e., containers must be clearly marked and the area neatly maintained; there must not be garbage in the recyclables or recyclables in the garbage; and container capacity must be adequate to hold materials between pick-ups. There must be sufficient recycling containers for any mandated recyclables generated at the event.
- c. The organizer/owner/contractor of the location is responsible for arranging for recyclables to be removed from the premises and for ensuring that they are taken to an approved recyclables market. The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center or curbside collection) if permitted by the municipality. Otherwise, the owner/operator/contractor is responsible for arranging to have recyclables collected and transported and for resolving any problems with the transporter of the recyclables.
- d. The recycling system must be made accessible and available to all patrons, customers, and employees. Notice/signs must be provided to ensure all are aware of their responsibilities.
- e. The owner/operator/contractor of the location is responsible for obtaining pertinent documentation in order to report the tonnages of materials recycled at least once per year (or as specified by the Borough), or else he/she must arrange to have the collector provide that documentation directly to the municipality.
- f. Single-/dual-stream recycling. The recycling system may utilize separate containers for each recyclable material, or it may provide for two or more materials to be placed in one container. Establishments may opt to collect their recyclables in a single stream or dual stream (fiber, commingled), provided the MRF that receives the material has certified that it has the ability to separate out and maximize the capture rate of the mandated recyclables.

§ 153-21.3. New Developments of Multifamily Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c).

- a. Any application to the Planning Board or Board of Adjustment of the Borough of Palisades Park for subdivision or site plan approval for the construction of 25 or more units of multifamily residential housing, single-family developments of 50 or more units, or any commercial, institutional, or industrial development proposal for the utilization of 1,000 square feet or more of land must include a compliant recycling plan. This plan must contain, at a minimum, the following:
 1. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development.
 2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.

- b. Prior to the issuance of a certificate of occupancy by the Borough of Palisades Park, the owner of any new multifamily housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials in those instances where the municipality does not otherwise provide this service.
- c. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.

§ 153-21.4. Prohibition of Collection of Solid Waste Mixed with Recyclable Materials.

- a. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- b. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this section and the local sanitary code.
- c. Once placed in the location identified by section, or any rules or regulations promulgated pursuant to this section, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§ 152.21.5. Enforcement.

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, the Union County Office of Health Management and the Union County Utilities Authority are hereby individually and severally empowered to enforce the provisions of this section. An inspection may consist of, but is not limited to, sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 153.21.6. Violations and Penalties.

- a. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this section or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a minimum penalty shall be imposed to consist of a fine not to exceed \$2,500 or a maximum penalty by a fine not exceeding \$10,000. Each day on which a violation of this section occurs shall be considered a separate offence.
- b. Fines levied and collected pursuant to the provisions of this section shall be immediately deposited into the Municipal General Fund (or equivalent). Monies collected from fines levied and placed in the Municipal General Fund shall be used for the expenses of the Borough of Palisades Park as the Borough deems necessary.

§ 153.21.7. Severability; When Effective.

- a. In the event that it is determined, by a court of competent jurisdiction, that any provision or section of this §153-21 is unconstitutional, all other sections and provisions shall remain in effect.
- b. This section shall take effect immediately, unless otherwise provided by resolution of the governing body.

§ 153-221. Enforcement.

The Director of the Department of Solid Wastes Management or his duly authorized designee is hereby designated and authorized as the enforcement officer of this article.

§ 153-232. Violations and penalties.

Any person, firm or corporation who or which shall violate or fail to comply with any provision of this article or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punished for failure to comply by a fine not to exceed \$200 for any residential property and \$300 for any commercial property violation.

ARTICLE III

Licensing and Registration of Collectors for Commercial and Industrial Properties

§ 153-243. Definitions.

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

COMMERCIAL COLLECTOR — Any private trash, recyclable or garbage collection company retained within the Borough of Palisades Park in order to provide for refuse collection and disposal of refuse generated by industrial or commercial properties within the municipality.

COMMERCIAL ESTABLISHMENT — Includes any and all establishments which conduct general business such as the supplying of goods and or services.

INDUSTRIAL ESTABLISHMENT — Includes all establishments which conduct general manufacturing or processing of material for future resale.

§ 153-254. Registration required.

Every person or company engaged in the business of refuse collection for industrial or commercial properties within the Borough of Palisades Park shall be required to register the name of such person or company with the Department of Public Works.

§ 153-265. Application for registration.

Application for the registration of commercial collector shall be submitted to the office of the Superintendent of the Department of Public Works on forms supplied by him and shall include, in addition to any information he may deem necessary, a statement giving the name or corporate or firm name of the commercial collector and, in the case of a firm, corporation or partnership, the name and address of the principal officer or member of the firm, corporation or partnership. This application shall also contain the number of years the person, firm or corporation has been in business or in existence at the current location or any prior locations, including the address of such prior location, if any. Additional information required shall include the name of the insurance carrier and the amount of public liability insurance as well as the name of the insurance carrier

providing the required statutory amount of workers' compensation insurance. The application shall also provide the identity and location of the site at which the disposal of the garbage, recyclables or trash takes place. The application shall also provide for the names of all property owners and the addresses of properties to which the commercial collector intends to provide services. There shall be a continuing obligation to amend this application form, in writing, with the Superintendent of the Department of Public Works in the event that additional properties or property owners are to be serviced by the commercial collector or if there is any change whatsoever in any of the information set forth on the initial application. In addition to the information set forth above, the applicant shall provide any additional information requested or required by the Superintendent of the Department of Public Works.

§ 153-276. Fee.

No person, firm or corporation shall be registered under this article or shall be registered after revocation of registration unless and until there is paid to the Superintendent of the Department of Public Works, to the account of the Borough of Palisades Park, a fee of \$100 or such other amount as may be set by the Mayor and Council by resolution after consultation with the Superintendent of the Department of Public Works.

§ 153-287. Term of registration; reregistration requirements and fee.

The initial registration shall be valid from the date of registration through the completion of that calendar year and the next full calendar year. No work or services may be performed after the initial calendar year following initial registration without reregistering. All commercial collectors shall be required to reregister by no later than January 15 of the year after the expiration of their prior registration period. Each reregistration shall be valid for the balance of the calendar year as well as the next full calendar year from the date of such reregistration. The fee for each reregistration, i.e., the annual fee, shall be the same as the initial registration fee.

§ 153-298. Revocation of registration.

- A. If any person or company registered under the provisions of this article shall fail, in the execution of any work, to comply with all applicable ordinances and regulations of the Borough of Palisades Park which are relevant to the collection of and disposal of refuse within the municipality, the Superintendent of the Department of Public Works shall cause a notice of violation to be served upon such person or the principal member or officer of any such firm or corporation.
- B. Upon the failure to correct such violation within the period stated in the notice of violation, the registration of such person, firm or corporation shall be revoked by the Superintendent of the Department of Public Works, who shall strike the name of such person, firm or corporation from the registration list and shall not reenter or reinstate such registration during such time as the violation exists or remains.
- C. Upon repeated violations and/or failure to correct the violations, the registration of such person, firm or corporation may be revoked and reregistration may be denied.
- D. A registration may also be revoked or a reregistration may be denied for failure to carry workers' compensation or public liability insurance.

§ 153-3029. Reregistration after revocation.

Any person, firm or corporation whose registration has been revoked may be reregistered and have his or its name reentered upon the registration list upon filing with the Superintendent of the Department of Public Works a certification to the effect that all violations have been corrected or are nonexistent and upon payment of the appropriate fee.

§ 153-310. Appeals.

In the event that the Superintendent of the Department of Public Works has revoked or denied a license to an applicant or has refused to renew such license upon submission of the application form and the required fee, the aggrieved commercial collector may appeal such denial, in writing, to the Mayor and Council. Upon such appeal, the following steps shall be taken:

- A. Upon receipt of the written appeal, the Borough Clerk shall set a date for the Mayor and Council to hear such appeal. This date may be adjourned for a reasonable period of time at the request of the Mayor and Council or the contractor.
- B. At the time, date and place set for the hearing, the Mayor and Council shall conduct an inquiry into the reasons for the denial by the Superintendent of the Department of Public Works and shall hear the contractor as to why such denial was unreasonable or improper. At the hearing, the commercial collector shall be entitled to call witnesses and to be represented by counsel.
- C. At the conclusion of the hearing, the Mayor and Council shall determine whether or not the denial of the license was proper under the circumstances, and, if determined to be improper, the Mayor and Council shall direct the Superintendent of the Department of Public Works to issue the license. If the Mayor and Council determines that the license denial was proper, it shall, in its discretion, take one of the following actions:
 - (1) Uphold the denial without any further action.
 - (2) If circumstances warrant, issue the license upon such reasonable conditions as the Mayor and Council shall deem appropriate and proper.
 - (3) If circumstances warrant, direct the issuance of the license at such time as any deficiencies which were the grounds for the denial have been cured by the commercial collector. The Mayor and Council shall set forth the deficiencies in its ruling.
- D. Within 10 business days of the hearing date, the Mayor and Council shall notify the Superintendent of the Department of Public Works and the Commercial Collector, in writing, as to its determination and any conditions which have been placed upon the issuance of the license by the Mayor and Council.

§ 153-321. Rules and regulations for collection.

All commercial collectors performing services to commercial or industrial properties within the Borough of Palisades Park shall be required to comply with the following rules, regulations and requirements:

- A. All collections made from any commercial or industrial property are to be made between the hours of 6:00 a.m. and 4:00 p.m. daylight saving time or Eastern standard time, whichever shall be in effect.
- B. There shall be no collection prior to 9:00 a.m. or after 1:00 p.m. on Saturdays. There shall be no collections on Sunday.
- C. The commercial collector shall obey all rules and regulations of the Board of Health.
- D. All droppings and debris from the commercial collector's vehicle shall be immediately removed by the commercial collector, and, if not done, they shall be removed by the borough's Department of Public Works and the cost of doing so shall be the responsibility of the commercial collector. Failure to pay these charges shall result in revocation of license.
- E. All receptacles are to be placed at the gutter or curb, and, when emptied, the commercial collector shall replace them carefully in the same place. Any and all covers to such receptacles shall be replaced after said receptacles have been emptied.
- F. The commercial collector shall furnish suitable vehicles for collecting rubbish, waste and trash within

the municipality. The vehicle shall be covered or protected in such a manner that dust, rubbish and odors from the same will not be a nuisance to the public.

§ 153-332. Violations and penalties.

- A. Should any commercial collector violate the provisions of this article, he or it shall be fined, for the first offense, the sum of \$500, and, in addition, his or its license shall be subject to revocation in accordance with the provisions of this article.
- B. In the event that the commercial collector shall, after revocation of license, attempt to operate within the borough, the principal officer or member of the firm, corporation or partnership shall, upon conviction, be sentenced to a fine of not less than \$1,000. In addition, the court may impose imprisonment for a period of not more than 30 days.

§ 153-343. Enforcement.

The Police Department, the Health Officer and the Superintendent of the Department of Public Works and/or his authorized designee shall be charged with the enforcement of the provisions of this article. In addition, the Mayor and Council may later appoint other departments and/or borough officials as enforcing agencies.

ARTICLE IV

Containerization and Collection Times for Garbage and Recyclables

§ § 153-354 Containerization of garbage.

- A. The term "garbage" is intended to include refuse and offal of animal and vegetable matter which has been used as food for man and all refuse material and vegetable matter which is or was intended to be so used, including condemned food. The term "garbage" shall also include all Type 10 municipal solid waste as deemed by the Bergen County Utilities Authority.
- B. All garbage, when placed at the curb for curbside garbage collection, shall be placed in secured containers with lids. The lid must be securely fastened to the container to prevent overflow and to prevent the garbage enclosed in the container from blowing or becoming loose so as to create an unsightly or messy condition on or around the subject property.
- C. This provision, regarding containerization of garbage, shall apply to all properties within the Borough of Palisades Park.

§ 153-365. Containerization of recyclables.

- A. The term "recyclables" shall be as defined in the Mandatory Recycling Ordinance adopted in the Borough of Palisades Park and known as "Ordinance No. 1065."⁵
- B. All recyclables shall be containerized as set forth in the Mandatory Recycling Ordinance adopted in the Borough of Palisades Park and known as "Ordinance No. 1065."⁶

§ 153-376. Setout time for residential properties; exceptions.

- A. Setout times for garbage and recyclables are applicable to all residential properties within the borough except residential properties bearing a street address on Broad Avenue or Columbia Avenue.
- B. The owner or other person in charge or in control of any premises to which this section is applicable shall place or arrange to be placed on the sidewalk or within three feet of the curb if there is no sidewalk at a time no earlier than 5:30 p.m. of the day prior to the day scheduled for collection, all containers for garbage or recyclables.

C. The provisions of this section shall apply to garbage and recyclables.

§ 153-387. Setout time for all commercial properties and certain residential properties.

A. Setout times for all commercial properties as well as all residential properties with a street address on Broad Avenue.

(1) The owner or other person in charge and in control of any premises to which this Subsection A is applicable shall place or arrange to be placed on the sidewalk or within three feet of the curb if there is no sidewalk, at a time no earlier than 12:01 a.m. of the day scheduled for the collection, all containers for garbage and recyclables.

B. Setout times for all commercial properties as well as all residential properties with a street address on Columbia Avenue.

(1) The owner or other person in charge and in control of any premises to which this Subsection B is applicable shall place or arrange to be placed on the sidewalk or within three feet of the curb if there is no sidewalk, at a time no earlier than 12:01 a.m. of the day scheduled for the collection, all containers for garbage and recyclables.

C. The provisions of this section shall apply to garbage and recyclables.

§ 153-398. Removal of containers.

All containers used for the collection of garbage and recyclables must be removed from the sidewalk or area at which they were placed no later than 12:00 midnight of the same day of the collection.

§ 153-4039. Compliance and Enforcement.

All resident and nonresident owners of any property within the Borough of Palisades Park shall remain responsible for compliance by tenants with respect to all applicable statutes, regulations and ordinances of the Borough of Palisades Park. All nonresident property owners shall provide the Tax Collector of the Borough of Palisades Park with a daytime and evening telephone number as well as their current address.

Each single family or residential property owner shall be entitled to two (2) bulk refuse pick-ups per week which must be scheduled at least twenty-four (24) hours in advance.

The Director of the Department of Public Works or his duly authorized designee as well as the Health Officer and the Police Department are hereby designated and authorized as the enforcement officers or agencies for this article.

§ 153-410. Violations and Pand Fenalties.

Any person, firm or corporation who or which shall violate or fail to comply with any provision of this article or of any regulation promulgated pursuant thereto shall, upon conviction thereof, be punished for failure to comply with a fine not to exceed \$1000.00 for any residential property violation and \$2000.00 for any commercial property violation.

ATTEST:

Sophia H. Jang, Borough Clerk

Chong Paul Kim, Mayor

First Reading: February 26, 2026
Second Reading: March 24, 2026