

*Town of Dover, NJ
Tuesday, January 12, 2021*

Chapter 333. Solid Waste Disposal

Article I. Placement of Garbage in Business Areas

§ 333-1. Prohibited deposit.

It shall be unlawful to deposit or leave any garbage, ashes or refuse, including containers for same, of any kind upon the sidewalks, curbs or gutters of the Town of Dover on the following streets, except that such garbage, ashes or refuse, including containers for same, of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated garbage removal date until 5:00 p.m. the day of the garbage collection for such district or area. The streets in question are as follows:

- A. Blackwell Street from Prospect Street to Mercer Street.
- B. Dickerson Street from Warren Street to Essex Street.
- C. Bassett Highway from Warren Street to Sussex Street.
- D. Warren Street from Dickerson Street to Bassett Highway.
- E. Sussex Street from Dickerson Street to Clinton Street.
- F. Morris Street from Dickerson Street to Clinton Street.
- G. Essex Street from Dickerson Street to Central Railroad tracks.
- H. Bergen Street from the Dover Train Station to the Central Railroad tracks.
- I. Union Street from Blackwell Street to the Central Railroad tracks.

Article II. Municipal Solid Waste Removal

§ 333-2. Definitions.

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

BULKY WASTE

Television sets, mattresses, box springs, large furniture, rugs/carpeting, furnaces, riding mowers, walking lawn mowers, small machinery, air conditioners, metal railing (disassembled), swing sets (disassembled), bicycles, household construction debris, large trash and similar materials.

CONSTRUCTION DEBRIS

Wastes resulting from the destruction or demolition of structures or buildings, including materials such as concrete blocks, broken concrete, wire and wood lath, timbers and wood-building products and other similar nonputrescible material.

GARBAGE

Anything people do not want or find useful.

MUNICIPAL SOLID WASTE

Solid garbage generated by premises required to be serviced pursuant to § 333-4 below, exclusive of recyclable materials, medical waste, industrial waste, hazardous materials and construction debris. (See the definition of "garbage" at Chapter 411.)

MUNICIPAL SOLID WASTE CONTAINER

Includes any light-gauge steel, rigid plastic or galvanized receptacle that is completely waterproof, closed at one end and open at the other, furnished with a tight-fitting lid, and weighing not more than 30 pounds when full of municipal solid waste materials. It shall also mean plastic bags or liners of 0.125 gauge or heavier containing municipal solid waste, securely tied at the top, not exceeding 30 pounds gross weight.

HAZARDOUS MATERIALS

Wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics.

HOUSEHOLD CONSTRUCTION DEBRIS

Debris from household construction contained in a municipal solid waste container.

INDUSTRIAL WASTE

Garbage resulting from industrial processes and/or manufacturing operations.

MULTIPLE DWELLING

A multifamily residential structure containing 10 units or less.

RECYCLABLE MATERIALS

Used newspapers, magazines, glass, PET plastics (types 1 and 2 only), aluminum cans, corrugated papers (other than residential cardboard), yard waste, white goods (such as refrigerators, freezers, washers, dryers, stoves, ranges, hot-water heaters) and all other recyclable materials as defined by ordinance.

§ 333-3. Contractor to provide curbside garbage collection; exceptions.

The contractor for the Town of Dover shall, subject to procedures and exceptions set forth in the bid specifications provided by the Town of Dover, as amended, to commence on May 1, 1991, provide curbside garbage can collection for all garbage and bulk waste generated in the Town of Dover from each residential dwelling unit, multifamily dwelling, business, office, store and shop in the municipal street-side receptacles. Such work shall be under the supervision of the Town of Dover, Division of Health. The refuse from the Town's litter receptacles shall be removed three days per week and the receptacles returned to the same place in position as originally found. Specifically excluded from garbage pickup are schools, hospitals, industrial buildings and multiple dwellings in excess of 10 units. Also specifically excluded from garbage collection is the collection of recyclable materials, medical waste, industrial waste, hazardous materials and construction debris. The contractor for the Town of Dover will provide bulky waste collection to all premises receiving curbside garbage can collection subject to the requirements of the Sticker Ordinance.^[1]

[1] *Editor's Note: For the Sticker Program, See Art. IV in this chapter.*

§ 333-4. Residential Municipal Solid Waste.

- A. Hours. It shall be unlawful to deposit or leave any garbage, ashes or refuse of any kind upon the sidewalks, curbs or gutters of the Town of Dover, on any streets in the Town of Dover, except those streets set forth in § 333-1 above, except that such garbage, ashes or refuse of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated garbage removal date until 8:00 p.m. the day of the garbage collection for such district or area.
- B. Storage of municipal solid waste. Municipal solid waste and municipal solid waste containers shall not be permitted to be stored in the front yard space, as defined in § 236-5, for any residential use regardless of zoning district.
[Added 5-13-2008 by Ord. No. 07-2008]

§ 333-5. Medical waste.

- A. Medical waste is hereby excluded from the definition of "municipal solid waste" and is excluded from the waste stream which is currently being removed by the Town of Dover's solid waste hauler. It will be necessary for all hospitals, doctors, dentists, veterinarians, clinics, medical laboratories, nursing homes and other health care facilities to provide for the private removal at their own expense of all medical wastes.
- B. Definition. As used in this section, the following terms shall have the meanings indicated:

MEDICAL WASTE

Includes all garbage, liquid and solid wastes emanating from a hospital, doctor or dentist office, veterinary office or clinic, medical laboratory or other health care facility, excepting any office or cafeteria waste which has not been in contact with a patient.

- C. Each generator of medical waste, as defined above, shall be required to provide the Town with written proof of an appropriate arrangement to handle the disposal of medical waste in accordance with all laws and regulations of the State of New Jersey, County of Morris, Board of Public Utilities and Town of Dover.

§ 333-6. Prohibited acts.

- A. No person shall place, or cause to be placed, any garbage receptacle outside any commercial building that is visible from public streets or adjoining property unless an enclosure is provided.
- B. No person shall prevent or interfere with any employee of the Town or any other municipally authorized person in the sweeping or cleaning of any street or in the removal of sweepings, ashes, garbage, municipal solid waste, litter, rubbish, snow, ice or other refuse material.

Article III. Public Waste Receptacles

§ 333-7. Garbage from outside of Town.

No person shall bring garbage, litter, refuse, rubbish, municipal solid waste, medical waste, or other waste into the Town of Dover for the purpose of disposing of the same in any public waste receptacle in the Town of Dover or in any private waste receptacle subject to collection and disposal by the Town of Dover or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit in public waste receptacles small amounts of garbage, trash, rubbish or litter generated locally in the course of travel, such as individual newspapers, food, individual retail beverage and food containers and wrappings and other similar items.

§ 333-8. Certain waste prohibited in public receptacles.

No person shall deposit municipal solid waste or commercial garbage in the public waste receptacles of the Town of Dover, except as provided above.

§ 333-9. Where receptacles required.

- A. Litter receptacles and their servicing are required at the following places which exist in the municipality: sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter mile without a receptacle: buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; and special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals.
- B. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.
- C. There will be special arrangements by contract for municipal solid waste and litter disposal, as well as recycling for the operations of the Dover Flea Market.

Article IIIA. Covering and Leaking of Refuse Containers/Dumpsters

[Added 12-14-2010 by Ord. No. 21-2010]

§ 333-9.1. Purpose.

The purpose of this article is to meet the requirements of the Town of Dover's Municipal General Stormwater Permit, Statewide Basic Requirement F.5.f., requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semiliquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Town of Dover and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 333-9.2. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

LITTER

Litter is garbage discarded in a public place that has not been properly disposed. The terms "garbage" and "public place" are defined at Chapter 333 of this Code.^[1] "Litter" is also defined as any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can, or any top, cup or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material.

LITTER RECEPTACLE

A container suitable for the depositing of litter.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Town of Dover or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

REFUSE CONTAINER

Any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

[1] *Editor's Note: See §§ 333-2 and 333-11.*

§ 333-9.3. Prohibited conduct.

- A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Town of Dover.

§ 333-9.4. Exceptions.

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- D. Large bulky items (e.g., furniture, bound carpet and padding, white goods) placed curbside for pickup.

Article IV. Sticker Program**§ 333-10. Title.**

This article shall be known as the "Town of Dover Sticker Program Ordinance."

§ 333-11. Definitions.

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

BULKY WASTE

Television sets, mattresses, box springs, large furniture, rugs/carpeting, furnaces, riding mowers, walking lawn mowers, small machinery, air conditioners, metal railing (disassembled), swing sets (disassembled), bicycles, household construction debris, large trash and similar materials.

CONSTRUCTION DEBRIS

Wastes resulting from the destruction or demolition of structures or buildings and including materials such as concrete blocks, broken concrete, wire and wood lath, timbers and wood-building products and other similar nonputrescible materials.

HAULING

The transportation of solid waste collected from the Town of Dover to an authorized solid waste disposal site.

HAZARDOUS MATERIALS

Wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics.

HOUSEHOLD CONSTRUCTION DEBRIS

Debris from household construction contained in a garbage bag.

INDUSTRIAL WASTE

Any garbage, solid or liquid, resulting from industrial processes and/or manufacturing operations.

PUBLIC PLACE

Areas within the right-of-way of all streets and roads, including areas under bridges and overpasses. This also includes any and all streets, sidewalks, municipal parking lots, alleys or other public ways and any and all areas within 100 feet of the boundaries of all property used as public parks, squares, spaces, grounds and buildings. This also includes all outdoor areas in nonresidential use where the public is invited. This means all privately owned parking lots, and lawn and landscaped areas, accessory to non-single-family residential uses. It also includes property within 100 feet of any watercourse and any property used, owned, or leased by a railroad, and public and nonpublic schools or other institutions of learning.

RECYCLABLE MATERIALS

Used newspapers, magazines, glass, PET plastics, aluminum cans, corrugated papers (other than residential cardboard), yard waste, white goods (such as refrigerators, freezers, washers, dryers, stove, ranges and hot-water heaters) and all other recyclable materials as defined by ordinance.

§ 333-12. Sticker program established; itemization of materials; sticker fees.

- A. Minimum garbage without stickers. Pursuant to the contract for solid waste removal entered into by the Town of Dover, each unit covered by said contract shall be allowed to place two garbage cans at the curb site for collection without the need for stickers for each of the two weekly pickups. This is a total of four garbage cans per week but not to exceed two garbage cans per pickup day.
- B. Stickers required. Anyone covered by the Town of Dover solid waste collection contract, be it residential or commercial, shall be allowed to purchase a sticker for the price of \$3, which will be affixed to the garbage can which will allow its placement at the curb and collection by the solid waste hauler for the Town of Dover.

- C. Bulky waste. Each item of bulky waste as defined herein shall require a sticker when placed at curb site for collection. If the sticker is not placed on such bulky waste item, the solid waste hauler shall not be allowed to collect the same. The price of bulky waste stickers is established as follows: \$5 per item.
- D. White goods. White goods as found in the definition of recyclable materials herein shall also require a sticker before they are placed at curbside. Such items shall not be picked up by the solid waste hauler but by the Town of Dover Streets and Roads Department for recycling purposes. The price of the stickers will be \$10 per item, with the exception of refrigerators, freezers, air conditioners, dehumidifiers and items containing compressors and refrigerants, the fee for which is \$20 per item.
- E. Tires. Tires or tires with rims shall have stickers before they are placed at curbside. Such items shall not be picked up by the solid waste hauler but by the Town of Dover Streets and Roads Department for recycling purposes. The price of the stickers will be \$3 per tire with rims or \$2 for tires without rims.

§ 333-13. Purchase of stickers.

All residents desiring stickers for either extra garbage cans, alternate garbage cans, bulky waste or white goods may purchase the same Monday through Friday during Town Hall regular business hours at the Clerk's office or his designee, 37 North Sussex Street, Dover, New Jersey. The purchase of stickers may also be made by mail directed to the Town Clerk or his designee, 37 North Sussex Street, Dover, New Jersey 07801, with payment to be enclosed upon request of the number of stickers and type of stickers desired.

§ 333-14. Placement of stickers.

Every garbage can above the maximum allowed herein must have a sticker affixed in the manner described herein. If garbage cans are used, residents must place the stickers on the top item in the can so it is plainly visible when the lid is removed by the solid waste collector. For alternate garbage cans, it may be placed directly on the bag. For bulky items and white goods, the sticker must be affixed so that it is plainly visible to the collector. Stickers will be disposed of with the garbage and are not reusable. If there is no sticker affixed and it exceeds the two-can or alternate garbage can amount set forth herein, the solid waste will not be collected.

§ 333-15. Official stickers exclusive.

Only stickers issued by the Town of Dover and paid for by the resident will be acceptable under this program. Anyone attempting to circumvent the sticker program of the Town of Dover will be in violation of this article and subject to the penalties as set forth herein.

Article V. Enforcement

§ 333-16. Violations and penalties; additional penalty for cleanup costs.

[Amended 5-13-2008 by Ord. No. 07-2008]

Any person who violates a provision of Chapter 333 shall, upon conviction, forfeit and pay a fine of \$75 for the first offense, \$150 for the second offense and, for the third and any subsequent offenses, shall be subject to one or more of the following: a minimum fine of \$250 but not exceeding \$1,250, a term of

imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, and if the municipality has provided for cleanup and disposal, an additional penalty for the reasonable costs of this work, as specified in the following section.

§ 333-17. Noncompliance; additional penalty for municipal costs to collect and dispose of litter or garbage.

In the event of noncompliance with the aforesaid provisions, any person authorized to enforce this chapter may provide notice to the owner or occupants of the property, personal service to a member of the household of the occupant or the owner, or by posting upon the property, preferably upon an entry door, a document that includes a copy of this chapter and a statement that an inspection has determined that the property is in violation of this chapter and that unless the property is restored to proper order within 48 hours of the notice that the Code Official may then employ the necessary labor and materials to perform the required work and proper disposal as expeditiously as possible. The costs reasonably necessary for the municipality to perform such work may be assessed as an additional penalty for violation of this section.

§ 333-18. Enhanced penalties for violations involving medical waste.

If the discarded material includes any medical waste, as defined at Chapter 333,^[1] then the penalty shall be as set out above for third and subsequent offenses.

[1] *Editor's Note: See § 333-5, Medical waste, Subsection B, Definition.*