

Chapter 157. Garbage, Rubbish and Refuse

Article I. Collection of Garbage and Rubbish

[Adopted 12-3-1987 by Ord. No. 1004-87]

§ 157-1. Collection required.

[Amended 11-9-2023 by Ord. No. 2420-23]

Every tenant, superintendent, owner, business owner, and any other individual or entity conducting business or occupying any part of a dwelling or building within the City, where garbage, refuse, or rubbish accumulate, is hereby required to collect these materials, and must adhere to the entirety of this article and ensure proper collection of these materials.

§ 157-2. Definitions.

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

GARBAGE

The refuse of animal or vegetable matter which has been used or intended as food for man or beast, except as hereinafter mentioned, shall constitute a distinct class of refuse matter to be called "garbage." It shall not include night soil or fowl manure accumulating from chicken markets. Decayed vegetable, fruit or condemned food from wholesale dealers is not considered as "garbage" to be collected by the city, but the same must be removed by the owner. "Garbage" from retail dealers shall be collected on regular collection days in quantity not to exceed six barrels.

REFUSE, RUBBISH MATERIALS AND BULKY WASTE

Constitutes a distinct class of refuse matter. It shall include all miscellaneous matter, such as paper,* cardboard,* old shoes, carpets, linoleum, bottles,* cans,* broken glass, crockery, household furniture, mattresses, springs, old clothes, leather, radios, televisions, air conditioners, metal, refrigerators, washing machines, gas stoves, hot water tanks, gas dryers, dishwashers and other household appliances and, when tied in three-foot bundles, brush and branches, except that those items marked with an asterisk (*) shall not be considered refuse or rubbish on and after a date established by the City Council for the mandatory recycling of such materials. It shall also include any small accumulations of cellar or yard dirt, if placed in suitable tight containers or receptacles, which will be collected on regular collection days. It shall not include any building materials whatsoever or other substances resulting from building operations, nor shall it include trade waste from stores or manufacturing establishments when the quantity of such trade waste exceeds one bushel in bulk or 40 pounds in weight at one collection.

[Amended 10-7-1993 by Ord. No. 1247-93]

§ 157-3. Proper containers to be provided.

[Amended 11-3-1994 by Ord. No. 1311-94; 11-23-2010 by Ord. No. 1854-10; 11-9-2023 by Ord. No. 2420-23]

- A. Each occupant of a residential or commercial property in which garbage, rubbish or refuse accumulates and is to be removed by the City shall provide either a dumpster or watertight vessels or containers (each, a "waste receptacle") and place or cause to be placed therein all garbage, rubbish or refuse practically free from water. Such waste receptacles shall not exceed 55 gallons in size.

- B. Waste receptacles provided by retail food establishments (as defined in N.J.A.C. 8:24-1.5) shall comply with the requirements set forth in § 157-3A above, and, in addition thereto, be insect-resistant and rodent-resistant, as such terms are used in N.J.A.C. 8:24-5.5(d).
- C. In the event that there is not adequate space for either a dumpster or watertight vessel, all garbage, rubbish or refuse that is to be removed by the City shall be placed in heavy-duty black plastic garbage bags of at least two mil thickness and which are capable of being so closed as to prevent inflow of water.

§ 157-4. Exceptions to use of containers.

Where rubbish materials or refuse is of such size or consistency that it cannot be deposited in a container, it must be securely bundled in such a manner as to permit easy handling and to prevent the materials from being scattered. Until such time as the city undertakes mandatory recycling of corrugated board boxes, such boxes shall be crushed and bundled for collection.

§ 157-5. Size and weight of containers.

Filled containers placed for collection shall be of such size and weight as can easily be handled by one person.

§ 157-6. Placement of containers or materials for collection.

On the designated days and within the designated times, each occupant of a one- or two-family dwelling and each owner or person designated thereby of all other structures receiving municipal collection in the City of Passaic shall place receptacles or materials for collection on the sidewalk in front of the premises near the curb so they shall be easily accessible to collectors but in such manner that they do not impede passage along the sidewalk.

§ 157-7. Times for placement and removal of containers or materials for collection.

[Amended 10-7-1993 by Ord. No. 1247-93]

- A. Except on designated business streets, each owner or person designated thereby, or each occupant of one- and two-family dwellings, shall deposit receptacles or materials for collection at curbside not earlier than 5:00 p.m. of the day prior to the day designated for collection and shall remove the same, should it for any reason not be collected, not later than 6:00 p.m. of the designated collection day.
- B. On designated business streets, no containers, receptacles, bundles or any manner or form of garbage, refuse or rubbish materials shall be placed for collection prior to 6:00 p.m. on Mondays, Wednesdays and Fridays for collection starting at 11:00 p.m. on those days (Monday through Friday, except for designated holidays), nor shall any containers, receptacles, bundles or any form of garbage, refuse or rubbish materials be left on the curb or sidewalk after 9:00 a.m. of the following date. Collection of the garbage, refuse and rubbish shall be completed by the City contractor prior to 6:00 a.m. that next morning.
[Amended 11-3-1994 by Ord. No. 1311-94; 12-3-2001 by Ord. No. 1530-01]
- C. Curbs or sidewalks.
[Amended 11-3-1994 by Ord. No. 1311-94; 12-3-2001 by Ord. No. 1530-01]
 - (1) On residential streets, no garbage, refuse or rubbish shall be left on any curb or sidewalk between the hours of 6:00 p.m. Saturday and 5:00 p.m. Sunday.
 - (2) On designated business streets, no garbage, refuse or rubbish materials shall be on any curb or sidewalk between the hours of 9:00 a.m. Saturday and 6:00 p.m. Monday.
- D. No empty container shall remain upon the sidewalk in front of any building or premises later than 6:00 p.m. on the day of collection, except for designated business streets for which containers shall be removed by 10:00 a.m. on the day of collection. All garbage, refuse and rubbish shall be properly stored in such dumpster, watertight vessel or container or heavy-duty black plastic bags when not deposited at curbside for collection.
[Amended 11-3-1994 by Ord. No. 1311-94; 11-23-2010 by Ord. No. 1854-10]

E. Designated business streets are as follows: Broadway (Pearl Street to Main Avenue), Monroe Street (Montgomery Street to Fourth Street), Passaic Street (Main Avenue to Sixth Street), Market Street (Monroe Street to Dundee Canal), West Main Avenue (Highland Avenue to Brook Avenue), Lexington Avenue (Quincy Street to East Main Avenue), East Main Avenue (Lexington Avenue to Park Place), River Drive (Park Place to Prospect Street), William Street (Passaic Street to Washington Place), Hoover Avenue (Washington Place to Quincy Street), Jefferson Street (East Main Avenue to Hoover Avenue), Prospect Street (Main Avenue to Grove Street), Garden Street (Main Avenue to Broadway), Howe Avenue (Main Avenue to Garden Street), all of Academy Street, Madison Street (Lexington Avenue to Hoover Avenue) and Washington Place (Main Avenue to Hoover Avenue).

F. Bulky waste.

- (1) Bulky waste is defined under "refuse, rubbish materials and bulky waste" in § 157-2. Bulky waste consists of all nonrecyclable materials. "Recyclable materials" are defined in Chapter 230 of this Code. "Bulky waste" consists of nongarbage materials; "garbage" is defined in § 157-2. Bulky waste shall be collected at curbside once a week on the second pickup day of the regular garbage pickup day of the week, excluding holidays. For example:
 - (a) If the garbage collection schedule is Monday and Thursday, the bulky waste will be picked up on Thursday.
 - (b) If the collection schedule is Tuesday and Friday, the bulky waste will be picked up on Friday.
 - (c) If the collection schedule is Wednesday and Saturday, the bulky waste collection will be on Saturday.
- (2) Bulky waste shall be collected in bundles. No more than six bundles per household per collection day shall be collected. Each bundle shall weigh no more than 50 pounds.
[Added 11-3-1994 by Ord. No. 1311-94]

§ 157-8. Areas to be kept free of garbage and refuse.

Every owner of any building or premises shall keep and cause to be kept the sidewalk, flagging and curbstone abutting said building or premises free from obstruction and nuisance of every kind and shall keep said sidewalks, air shafts, areaways, backyards, courts and alleys free from garbage, refuse, rubbish, litter and other offensive material.

§ 157-9. Violations and penalties.

[Added 10-7-1993 by Ord. No. 1247-93^[1]]

Any person, firm or corporation who violates or neglects to comply with any provision of this article or any rules or regulations promulgated thereto shall receive the following penalties:

- A. For the first violation of any provision of this article of the City of Passaic, the penalty, upon conviction, shall be a minimum fine of \$100, but not more than \$250.
- B. For the second violation of any provision of this article, the minimum penalty, upon conviction, shall be a fine of \$250, but not more than \$750.
- C. For the third and subsequent violations of any provisions of this article, the minimum penalty, upon conviction, shall be a fine of \$750, but not exceeding \$1,000, and imprisonment for no more than 90 days in the county jail. A separate offense shall be deemed committed for each and every act or occurrence which violates the terms of this article.

[1] *Editor's Note: This ordinance also provided for the renumbering of former § 157-9 as § 157-11.*

§ 157-10. Service of process.

Every owner of property located within the City of Passaic who may reside in a community other than the City of Passaic shall designate an individual within the City of Passaic who may receive service of process. Said designee shall be registered with the Department of Community Development.

§ 157-11. Liability for violations.

[Amended 10-7-1993 by Ord. No. 1247-93]

Notwithstanding any other provisions to the contrary, the owner or tenant of a dwelling, structure, building or premises shall be responsible and held liable for any violation of any of the provisions of this article.