

**BOROUGH OF HAWORTH  
BERGEN COUNTY  
ORDINANCE 2024-026**

**AN ORDINANCE TO AMEND CHAPTER 17 OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED "SOLID WASTE" AND CHAPTER 13 ENTITLED "PROPERTY MAINTENANCE" TO REGULATE THE TIMELY REMOVAL OF REFUSE CONTAINERS FROM PUBLIC AND QUASI-PUBLIC STREETS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Haworth as follows:

**Section 1. Amendment to Chapter 17 of the Code of the Borough of Haworth, "Solid Waste"**

Chapter 17 of the Code of the Borough of Haworth, "Solid Waste," is hereby amended to add the following new section:

**§17-5. Removal of Refuse Containers and Trash Bags from Streets and Town Property**

**a. Definitions.**

- **Refuse Container:** Any container used for the collection, storage, or disposal of garbage, trash, or other waste materials. This includes, but is not limited to, dumpsters, trash cans, recycling bins, and compost bins.
- **Public Street:** Any street, avenue, boulevard, road, parkway, viaduct, or other public way within the Borough of Haworth, including the full width of the right-of-way.
- **Quasi-Public Street:** Any street or road that, while not formally dedicated to the public, is used by the public or a segment of the public for vehicular or pedestrian traffic, such as private roads within a residential development or commercial complex.
- **Easement:** A legal right or privilege granted to a person or entity to use a portion of land owned by another for a specific purpose, such as access, utility installation, or maintenance. This does not convey ownership of the land but allows the easement holder to use the property in a manner defined by the terms of the easement agreement.
- **Town Property:** Any real property or land owned, leased, or otherwise held by the Borough of Haworth for the use, benefit, or enjoyment of the public. This includes, but is not limited to, parks, municipal buildings, public facilities, and any other property under the jurisdiction or control of the Borough.
- **Right-Of-Way:** The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another. This includes the full width of the street, road, or other pathway, including any sidewalks, berms, or other areas that may be necessary for the proper and safe passage of vehicles or pedestrians.

**b. Time for Removal:** All refuse containers and trash bags placed on public or quasi-public streets, town property, or easements for collection shall be removed within 12 hours following the collection. Refuse containers and trash bags must be removed from town property or easements within 24 hours after the scheduled pick-up.

c. **Prohibited Duration:** Refuse containers and trash bags shall not be left on public or quasi-public streets, town property, or easements for more than 24 hours before the scheduled collection time.

d. **Location of Containers and Trash Bags:** Refuse containers and trash bags must be placed at the curb, edge of the street, or designated collection area no earlier than 3:00 p.m. the evening prior to the scheduled collection day. Containers and trash bags must not be placed on town property or easements used for access, unless no other safe or practical alternative is available. In such cases, they must be promptly removed as outlined in section b.

e. **Secure Placement and Clean-Up:**

- All refuse containers must be securely closed to prevent the spillage of contents, including trash, recycling, or compost materials. Loose debris, litter, or waste materials not contained within a refuse container are prohibited and must be promptly cleared away.
- Any spillage or scattering of contents, whether occurring before, during, or after collection, must be immediately cleaned up by the responsible party.
- Refuse containers should be inspected after collection to ensure they are empty and no debris is left behind. If spillage occurs due to container damage, overfilling, or other causes, it is the responsibility of the property owner or occupant to remediate the area.

f. **Enforcement and Penalties:** Any person who violates this section shall receive a warning for the first offense \$25 for the second offense, \$50 for the third offense, and \$100 for each subsequent offense. Each day a violation exists shall constitute a separate offense.

**Section 2. Amendment to Chapter 13 of the Code of the Borough of Haworth, "Property Maintenance"**

Chapter 13 of the Code of the Borough of Haworth, "Property Maintenance," is hereby amended to add the following new section:

**§13-11. Refuse Containers, Trash Bags, and Property Maintenance**

a. **Storage of Refuse Containers and Trash Bags:** All refuse containers and trash bags must be stored out of view from public or quasi-public streets, town property, or easements except during the designated time periods for collection.

b. **Responsibility:** Property owners are responsible for ensuring that refuse containers and trash bags comply with the timing, location, and storage regulations set forth in this chapter.

c. **Penalties:** Violations of this section shall result in penalties as provided in Chapter 17, §17-5(d).

**Section 3. Inconsistent Ordinances Repealed**

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

#### **Section 4. Severability**

If any section, sentence, or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence, or other part of this Ordinance directly involved in the controversy in which such judgment shall be rendered.

#### **Section 5. Effective Date**

This Ordinance shall take effect after publication thereof and final passage as required by law.

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**HEATHER WASSER, Mayor**

Introduced: 8/13/2024

Adopted:

Approved:

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**GREGORY ZAGAJA, Acting Borough Clerk**