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[HISTORY: Adopted by the Board of Health of the Township of East Hanover 9-1-1981 as Art. XIV of Board of Health Ord. No. 1-1981. Amendments noted where applicable.]
§ 189-2. Depositing garbage or refuse prohibited.

No animal or vegetable substance or garbage or refuse or dirt gathered in cleaning sewers or waste of mills or factories or any materials which are offensive to health or tend to decay, to become putrid or to render the atmosphere impure or unwholesome shall be deposited upon or used to fill up or raise the surface or level of any lot, grounds, street, road or alley in the Township of East Hanover.

§ 189-3. Permitting deposit of garbage or refuse prohibited.

No owner, agent, lessor, lessee, tenant or occupant of any lot, grounds, street, road or alley in the Township of East Hanover shall permit the depositing thereon of any animal or vegetable substance or garbage or refuse or dirt gathered in cleaning sewers, or waste of mills or factories, or any materials which are offensive to health or tend to decay, to become putrid or to render the atmosphere impure or unwholesome.

§ 189-4. Special license for deposit of dry fill.

No dry fill shall be deposited upon or used to fill up or raise the surface or level of any lot, grounds, street, road or alley in the Township of East Hanover unless pursuant to a special license issued by the Board of Health.

§ 189-5. Permitting deposit of dry fill.

No owner, agent, lessor or lessee, tenant or occupant of any lot, grounds, street, road or alley in the township shall permit the depositing thereon of any dry fill unless pursuant to a special license issued by the Board of Health.

§ 189-6. Granting of license for dry fill; revocation.

No license to deposit fill shall be granted to any person or persons unless it shall appear to the satisfaction of the Board of Health after inspection of the premises to be used by the applicant and the consideration of the application and the facts therein and therewith presented, that the depositing of dry fill or the permitting of the deposit of dry fill will not endanger the health of the residents of the Township of East Hanover. If it shall appear to the Board of Health at any time while dry fill is being deposited or permitted to be deposited under a license issued under the provisions of this chapter, that the same then endangers the health of the residents of the Township of East Hanover, or if the said licensee in any way violates the provisions of this chapter, the Board of Health may revoke the said license.

§ 189-7. License fees.

The fee for issuance of a license under this chapter, when the area described in the application does not exceed fifteen thousand (15,000) square feet, shall be as set forth in Appendix A, Fee Schedule, at the end of Part III of the Code, and for each additional fifteen thousand (15,000) square feet in area or fraction thereof, an additional fee shall be charged as set forth in Appendix A, Fee Schedule, which fee shall be payable when such license is issued. No license shall issue unless the applicant furnishes to the Board of Health a plot plan for the proposed filling project and a certified check in the sum of two hundred dollars ($200.) made payable to the Township of East Hanover, to guarantee performance by the applicant of the terms and conditions of this chapter, such funds to be released upon inspection of the fill project and approval thereof by the Board of Health as having been done in accordance with the provisions of this chapter. The license shall not issue unless the approval of a majority of the members of the Board of Health is received.
§ 189-8. Specifications for landfilling with dry fill.

Landfilling with dry fill shall be designed, operated, conducted and maintained in the following manner:

A. The face of the working fill shall be kept as narrow as is consistent with the proper operation of trucks and equipment in order that the area of material exposed during the working day is minimal.

B. The maximum exposed active operating area shall not exceed an area greater than one hundred by one hundred fifty (100 x 150) feet. The active operating face shall not exceed one hundred fifty (150) feet in width.

   (1) Surface and side slopes of such landfills shall be compacted and covered with dirt on a progressive basis as quickly as feasible, but in no case shall be exposed for more than one (1) week or six (6) working days.

   (2) At the termination of the filling operation or whenever a change in direction of the filling operation occurs, the uncovered surface and face shall be compacted and covered with earth on a progressive basis within one (1) week.

C. The final earth covering for surface and side slopes shall be compacted and maintained at a depth of not less than twenty-four (24) inches.

D. Cracks, depressions and erosion of the earth covering first surface and side slopes of fills shall be promptly repaired.

E. The toe of finished fills having boundary side slopes shall terminate in a dike. The ditch formed by the construction of a dike shall be designed to have an open end to permit free flow of water in any and all ditches which were in-stalled for mosquito control or shall be designed to permit the effective use of mosquito control equipment.

F. Surface water shall be properly drained, filled or treated with effective chemicals so as to prevent mosquito production and odors. The operator of each landfill shall cooperate with the appropriate county mosquito commission to prevent and control mosquito production.

G. Control over the scattering of papers and other lightweight materials shall be effected by the use of movable fencing. Fencing may not be required in marshland where tall grass and other plant materials serve as an adequate screen to prevent scattering or movement of paper or other light-weight materials.

H. Dust control shall be effected as needed by spraying of the exposed fill material and adjacent surface.

I. Equipment adequate for digging, compacting and covering shall be provided as needed.

J. Sufficient standby equipment shall be readily available to prevent delay in covering due to breakdowns or peak loads.

K. Adequate water and fire-fighting equipment shall be readily available to control any and all flames.

L. Rodents or insects hazardous to public health shall not be permitted to exist on landfills.
§ 189-9. Evidence of permission to deposit garbage or refuse.

The presence of garbage or refuse or other matter referred to in § 189-2 upon the lands of any person shall be prima facie evidence of permission given by said person to deposit said substances upon said land.

§ 189-10. Evidence of permission to deposit dry fill.

The presence of dry fill upon the lands of any person, in the absence of a special license issued to such person, shall be prima facie evidence of permission given by said person to deposit said dry fill upon said land.

§ 189-11. Duration of license.

Each license issued under the terms of this chapter shall be valid for a period of one (1) year from the date of issuance.

§ 189-12. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be subject to the penalties provided in § 164-14 of Chapter 164, General Provisions, Board of Health.


A. No person shall place or cause or suffer to be placed on any public street, right-of-way or other public place for collection any garbage or waste unless such garbage or other waste has been thoroughly drained of its moisture and deposited in a suitable container acceptable to the local Health Officer.

B. No person shall place in any receptacle containing garbage placed on any public street, right-of-way or other public place for collection any glass, newspaper, aluminum cans, yard waste or other recyclable material mandated by the township.

C. No person shall place in any receptacle containing garbage placed on any public street, right-of-way or other public place for collection any hazardous waste.

D. All garbage, refuse, waste and recyclable material put out for collection shall be placed in suitable receptacles which shall be deposited in front of the property facing the street not earlier than 6:00 p.m. of the evening prior to collection in accordance with a schedule of collections as promulgated from time to time by the township.

E. Receptacles shall be removed from the front to the rear of the premises not later than 8:00 p.m. on collection days.

F. The local Health Officer may grant a temporary exception to the receptacle regulation section of this chapter to residents of the township, provided that proper sanitary conditions are maintained at all times.

A. All outdoor storage of garbage, refuse and recyclable materials generated from a commercial, industrial or office facility shall be kept in leakproof, nonabsorbent containers constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

B. All outdoor storage containers for garbage, refuse and recyclable materials shall be provided with tight fitting lids or covers and shall be kept covered.

C. Each container shall be maintained in a clean condition on the inside and outside.

D. There shall be a sufficient number of containers to hold all garbage, refuse and recyclable materials which accumulate between periods of removal from the premises.

E. Outside storage areas shall be large enough to store the garbage, refuse and recycling containers that accumulate and shall be kept clean. Containers and compactor systems located outside shall be located on or above a smooth surface of nonabsorbent material such as concrete or approved equal that is kept clean and maintained in good repair. Outside storage areas shall be completely enclosed by a fence or other screening capable of preventing litter from blowing off the storage area.

F. The local Health Officer may grant a temporary exception to the outdoor storage regulations of this chapter to any facility requiring temporary storage of solid waste during construction, renovation or other temporary on-site activities.

G. The East Hanover Board of Health may grant a permanent exception to the outdoor storage regulations to any facility operating under a solid waste management plan approved by the Board of Health.

H. Commercial, industrial and office facilities existing prior to March 17, 1997, will be granted an exception to the requirement of providing an enclosure and a concrete surface until a change of use, change of occupancy, expansion or renovation of the facility, provided that the existing facility’s storage containers are properly maintained and are located on or above a smooth asphalt surface and the facility is operated in compliance with all other provisions of Chapter 189 and the provisions of Chapter 201, Sanitation, and Chapter 207, Solid Waste, of the Code of East Hanover Township. Nothing in this subsection shall exempt retail and wholesale food establishments from complying with any other federal, state or local regulation, including the requirement to locate outdoor waste containers on or above a concrete surface. [Amended 9-15-1997 by Ord. No. 5-1997]


All commercial, industrial and office facilities to which the public has access shall provide sufficient litter receptacles at entrances and exits of the facility and in exterior areas to encourage litter control.

§ 189-16. Refuse containers and dumpsters. [Added 4-2-2012 by Ord. No. 6-2012]

A. Purpose. A section 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 Township of East Hanover 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.

B. Definitions. For the purpose of this section, the following terms, phrases, words, and their
derivations shall have the meanings stated herein unless their use in the text of this chapter 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.

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 Township of East Hanover or other public body, and is designed and used for collecting and conveying stormwater.

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 water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited conduct.

(1) 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.

(2) 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 Township of East Hanover.

D. Exceptions to prohibition.

(1) Permitted temporary demolition containers.

(2) Litter receptacles (other than dumpsters or other bulk containers).

(3) Individual homeowner trash and recycling containers.

(4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.

(5) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

E. Enforcement: This section shall be enforced by the Township of East Hanover Zoning Officer.

F. Violations and penalties: Any person(s) found to be in violation of the provisions of this section shall be subject to a fine of $100 for a first offense; $200 for a second offense; $400 for a third offense; and for subsequent offenses no more than $1,000 and imprisonment for not more than 90 days. Each violation of a separate subsection of this section shall constitute a separate violation, and each day that a violation continues shall constitute a separate and distinct violation hereof.