

ORDINANCE NO. 2018 – 03

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, SO AS TO AMEND CHAPTER 293, ENTITLED “SOLID WASTE AND RECYCLING COLLECTION”

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Egg Harbor is hereby amended so as to amend Article I of Chapter 293 entitled “Solid Waste” so as to read in its entirety as follows:

Article I. Solid Waste.

§ 293-1 Compliance required.

It shall be unlawful for the occupant of any dwelling house, store or other building to place or cause or suffer to be placed upon any street, sidewalk, gutter, areaway or public place any garbage, rubbish, ash and recyclable materials except in compliance with the provisions of this article and Article II, Recycling, of this chapter, as applicable.

§ 293-2 Definitions.

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

ASH

The residue from the burning of coal or other fuel and shall include accumulations of dirt or floor sweepings made up mostly of noncombustible materials.

BUILDING MATERIALS

those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways by a developer or contractor. Does not include amounts of such debris which are created by minor projects undertaken by a homeowner or residential tenant when the amount of debris fits within the Township-provided automated trash and recycling containers

BULK ITEMS

any large items that are not easily combustible or disposable such as refrigerators, car parts, boat motors, water heaters, metal cabinets, and other similar items.

GARBAGE

The refuse of animal or vegetative matter; noncombustible debris composed of natural or man-made materials; unwanted trash.

RECYCLABLE MATERIAL(S)

Those materials which would otherwise become municipal solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. This term is intended to have the same meaning as utilized within Article II, Recycling, of this Chapter 293 of the Township Code.

RUBBISH

Combustible debris, such rags, mattresses, discarded wearing apparel, furniture, carpets, rubber and refuse.

§ 293-3 Rules and Regulations

The following regulations shall govern the collection and removal of garbage, rubbish, ash and recyclable materials:

- A. Occupants of any dwelling, house, or other residential building shall place the materials described in this article for collection in an appropriate place on the curb in front of such dwelling house, store or other building, after separation in appropriate separate containers. The owner of the said dwelling house or other residential building shall be jointly and concurrently responsible for the compliance with the terms of this article by all occupants of the same.
- B. All garbage and rubbish containing food waste shall be kept in containers or bags which do not leak and do not absorb liquids. If bags are utilized, they must be enclosed within the Township-provided automated trash containers, the fees for which are established by § 293-7.
- C. Each container shall be placed for collection at the curblin in a place which is easily accessible and at least 3 feet from any obstacle adjacent to the road if no curb exists.
- D. Additional Solid waste containers procured by the property owner for curbside pick-up must be compatible with the Township's automated trash collection system.
- E. There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises. Residents are permitted to purchase additional containers if necessary.
- F. Tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four feet and not wider than four inches in circumference before being deposited just inside the curblin for collection.
- G. Leaves shall be loosely piled on the curbside for collection. NO bags or bundling of leaves is permitted. No leaves may be burned in any street or highway. Leaves may also be brought to the Township Department of Public Works for disposal.

- H. All grass, weeds and similar growths shall be placed in a Township provided automated trash containers for non-recyclable items so they may be readily emptied into the municipal collection vehicle. No bag shall be utilized for the disposal of grass, weeds and similar growths.
- I. If any container of garbage or refuse is upset or overturned, other than by Township employees engaged in garbage and refuse collection, the property owner, tenant or other person placing garbage for municipal collection shall promptly clean up such spilled garbage and restore it to the garbage can.
- J. If any container of garbage or refuse is upset or overturned by a Township employee, they shall immediately collect such garbage and dispose of same in the municipal garbage truck.
- K. No person shall place any of the items referred to in this section in any street or highway, either for municipal collection or other disposal.
- L. The use of fifty-five-gallon drums or drums of greater size as containers is strictly prohibited.
- M. Any containers deemed unacceptable due to the contents thereof shall be affixed with a red tag. In the event that a container is affixed with a red tag, it shall be a violation of this chapter to attempt to dispose of the contents through the Township's solid waste collection program.
- N. Garbage or other refuse shall be placed for municipal collection at the curb or street line no sooner than 6:00 p.m. of the day prior to the designated day for collection and no later than 6:00 a.m. on the designated day for collection. Township employees will not be responsible for picking up any garbage or refuse which is placed for municipal collection in violation of these time restrictions. All garbage containers must be removed from the curb by the property owner, tenant, or other person placing garbage for municipal collection, the same day that garbage or other refuse is collected, unless suitable rack is provided for receptacle storage.
- O. Collection of bulk items shall only occur on days designated by the Township.
- P. Township employees shall not be responsible for discarding building materials and debris from any site within the Township. This is the responsibility of the owner and/or builder, and no such discarded building materials or debris shall be placed for municipal collection. Building materials and debris must be brought to a County landfill or other suitable disposal site. Building materials may not be brought to the Township Department of Public Works.
- Q. It shall be unlawful for any person to dump garbage, rubbish, ash or recyclable materials upon any public property of the Township or to trespass upon the property of another and deposit said materials thereon.
- R. No person shall break into any container of garbage, rubbish, ash or recyclable materials that may be found upon the streets or sidewalks of the Township, nor shall any owner or occupant permit the same to occur with regard to such garbage, rubbish, ash or recyclable materials placed at or near the curb for collection.
- S. **No garbage, rubbish, ash or recyclable materials shall be collected by the Township from any manufacturing, commercial office or other business establishment. Any manufacturing, commercial or other business establishment including non-profit organizations that receives Township solid waste collection services (for either**

Township provided automated trash containers or commercial dumpsters) as of April 1, 2018 shall either pursuant to past practice or to a resolution of the Planning Board of Board of Adjustment shall be entitled to continuation of such service at no greater than the level of service provided as of April 1, 2018 only until such time as a relevant manufacturing, commercial or other business establishment or non-profit organization ceases operation or a relevant manufacturing, commercial or other business establishment changes ownership. Governmental offices or operations shall receive Township solid waste services pursuant to past practice as of April 1, 2018 as authorized by a Shared Service or other appropriate agreement.

§ 293-4 Presumption created by curb placement

When any of the items named in or referred to in this chapter are placed at or just inside the curblines, it shall be assumed same are so placed for municipal garbage and refuse collection and disposal.

§ 293-5 Noncollection of garbage and refuse

No municipal employee shall be obligated to collect any garbage or refuse unless and until said garbage or refuse is prepared for collection and disposal as referred to and directed in this Chapter.

§ 293-6 Enforcement

The Code Enforcement Official, the Property Maintenance Official, or their designees, and the Ocean County Department of Health are hereby individually and severally empowered to enforce the provisions of this article. An inspection may consist of sorting through containers and opening of solid waste bags.

§ 293-7 Fees for automated trash and recycling containers

The following fees and charges are hereby established for automated trash containers:

- A. Thirty-five-gallon container: \$45 each.
- B. Sixty-five-gallon container: \$50 each.
- C. Ninety-five-gallon container: \$55 each.
- D. Ninety-six gallon container - \$55 each

§ 293-8 Days of collection

The Superintendent of Public Works shall determine the days of the week when collections shall be made, and public notice shall be given to the Township residents.

§ 293-9 Violations and penalties

Any person, corporation, occupant, or entity who or which violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$200, nor more than \$2,000, and/or a term of community service of not more than 90 days, and/or by a term of imprisonment not to exceed 90 days in the Ocean County Jail or any combination of fine, community service and imprisonment, as determined in the discretion of the Municipal Court Judge. Each day for which a violation of this article occurs shall be considered a separate

offense.

SECTION 2. The Township Code of the Township of Little Egg Harbor is hereby amended so as to amend Article 2 of Chapter 293 entitled "Solid Waste" so as to amend subsection E of § 293-13 entitled, " Nonresidential establishment compliance requirements," so as to read in its entirety as follows:

§ 293-13 Nonresidential establishment compliance requirements

E. All nonresidential uses shall comply with the requirements of § 293-14.1, Solid waste management.

SECTION 3. The Township Code of the Township of Little Egg Harbor is hereby amended so as to amend Article 2 of Chapter 293 entitled "Solid Waste" so as to amend subsection D of § 293-14 entitled, "New developments of multifamily residential units or commercial, institutional or industrial properties [pursuant to N.J.S.A. 13:1E-99.13(a) and 13:1E-99.16(c)].," so as to read in its entirety as follows:

§ 293-14 New developments of multifamily residential units or commercial, institutional or industrial properties [pursuant to N.J.S.A. 13:1E-99.13(a) and 13:1E-99.16(c)].

D. All uses, except for single- and two-family dwellings, shall comply with the requirements of § 293-14.1, Solid waste management.

SECTION 4. The Township Code of the Township of Little Egg Harbor is hereby amended so as to amend Article 2 of Chapter 293 entitled "Solid Waste" so as to create § 293-14.1 entitled, "Solid waste management," so as to read in its entirety as follows:

§ 293-14.1 Solid Waste Management.

1. Provisions shall be made for the indoor or enclosed storage of garbage and refuse.
2. Outside garbage, when permitted, shall only be permitted in areas approved by the municipal agency. Such areas shall, as nearly as may be practicable, be shielded from public view and protected by adequate fencing and/or screening.
3. Screening of refuse areas. These areas adjacent to or within the parking area designated as refuse storage and pickup areas shall be properly screened to prevent the unsightly display and the scattering of debris. The following minimum requirements shall apply:

(A) The area shall be surrounded on all sides by a uniform solid fence or masonry wall not less than five (5) feet nor more than eight (8) feet in height. The fence or wall shall be located and be of such type as to promote safety and ensure against creation of an unsightly condition. The fence must at all times be maintained so as to be kept in a sound, upright, fully repaired and painted condition or, if not painted, shall be made of such material as does not corrode, rust or change appearance if left

unpainted. The opening in the fence or wall shall be so located as to prevent the visual display of refuse from any adjacent parking area, building, street or site.

(B) In addition, the fence or wall shall be of a design which is consistent with the architectural design of the principle building on the site or the style of the neighborhood, including gates, which shall screen from view, entirely, the refuse containers and refuse storage areas.

(C) No refuse enclosure or area shall be located in any area considered to be a front yard or in any area of a site which fronts on any street.

(D) In addition to the fence or wall, plantings such as dense shrubs or trees shall be planted around the refuse enclosure to further screen the enclosure and enhance the enclosure aesthetically.

4. Debris.

(A) Materials accumulated by clearing, grubbing and excavation, as above described, shall be disposed of by the developer in a manner satisfactory to the Engineer, except that materials suitable for embankment shall be used for that purpose if needed therefore. Burying of the above materials will not be permitted in any case.

(B) At the time of the tender of a plan for final approval for subdivision of real estate in this municipality, an estimate shall be made, for and on behalf of the municipality, by the Township Engineer as to the cost of removal of the development debris for the development. Before final approval of the plan, such estimate furnished by the Township Engineer shall be included in the guaranty to be furnished by the developer.

(C) The Township Code Enforcement Officer shall keep a constant check on debris from the subdivision of land and construction of buildings and shall not permit accumulations in any real estate development. In the event that there is any substantial accumulation of such debris in any development, the Building Inspector shall forthwith give written notice to the developer to remove such debris from the real estate development. In the event that such debris is not promptly removed, the Building Inspector is hereby authorized and directed to refrain from giving certificates of occupancy for building permits until the debris is cleared up and removed.

(D) Whenever the subgrade is established to be coincident with the existing ground surface, the vegetation and underlying topsoil of the existing ground surface within the excavation and embankment areas shall be stripped off to a depth of not less than four (4) inches and not more than six (6) inches. Street and roadway excavation shall be carried out so that the subgrade throughout the work is kept properly drained.

(E) Excavated materials shall be placed in an embankment when suitable therefore or shall be used for backfill or other purposes. Material in excess of that required shall be disposed of by the developer, contractor or subcontractor.

(F) Borrow excavation for road construction shall include the furnishing, transporting, placing and consolidating of materials required for embankment in excess of that obtained from other excavations and other incidental work. All borrow excavation shall be suitable for embankment and approved by the Township Engineer.

5. Storage and waste disposal.

(A) In all districts permitting such an operation, use or any activity involving the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such storage shall be conducted in accordance with the regulations promulgated by the Department of Labor and Industry of New Jersey or the Fire Code of the National Fire Protection Association, whichever is more restrictive.

(B) All flammable, explosive and/or combustible material shall be stored in accordance with the National Fire Protection Association or the New Jersey Department of Labor and Industry Code, whichever is more restrictive. (3) All outdoor storage facilities for fuel, raw materials and products and equipment stored outdoors, wherever permitted, shall be enclosed by an approved safety fence and visual screen and shall conform to all yard requirements imposed upon the principal buildings in the district.

(C) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.

(D) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers that are adequate to eliminate such hazards.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 8th day of March, 2018, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 26th day of April, 2018, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Diana K. McCracken, RMC
DIANA K. MCCRACKEN, RMC, Clerk
 Township of Little Egg Harbor

Motion to Introduce: *Kehm* Second: *Stevens* Roll Call:

Crea	<u>yes</u>
Gormley	<u>Absent</u>
Kehm	<u>yes</u>
Schlick	<u>NO</u>
Stevens	<u>yes</u>

Motion to Carry: *Stevens* Second: *Kehm* Roll Call:

Crea	<u>yes</u>
Gormley	<u>Recused</u>
Kehm	<u>yes</u> <i>from vote</i>
Schlick	<u>Absent</u>
Stevens	<u>yes</u>

Motion to Adopt: *Kehm* Second: *Stevens* Roll Call:

Crea	<u>Recused: from</u>
Gormley	<u>Recused</u> <i>vote</i>
Kehm	<u>yes</u>
Schlick	<u>NO</u>
Stevens	<u>yes</u>