

Ordinances Related to Stormwater

Pet Waste

Wildlife Feeding

City of Somers Point, NJ
Friday, November 17, 2017

Chapter 120. Dogs and Other Animals

Article II. Beach Restrictions, Nuisances, and Disposal of Animal Waste

§ 120-21. Beach restrictions.

No dog or other animal shall be taken or permitted upon the bathing beaches fronting the bays of the Atlantic Ocean, including the beaches of Kennedy Park.

§ 120-22. Nuisances.

- A. No person owning or in charge of any dog or other animal shall cause or allow such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property.
- B. No person shall keep, harbor, feed, raise or breed common pigeons and seagulls which are hereby declared to be a nuisance and a hazard to health; the littering of public or private grounds for the purpose of feeding such birds or placing or causing to be placed any food designated or intended for the purpose of feeding such birds or in such a manner as to increase the hazard of rat infestation therein or thereabout is also hereby declared specifically to be a nuisance and a hazard to health.

§ 120-23. Removal and disposal of feces.

- A. Any person owning or in charge of any dog or other animal which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property shall immediately remove all feces deposited by any such dog or other animal by any sanitary method approved by the local health authority. Sanitary methods for removing all feces approved by the local Board of Health are mechanical devices, such as pooch scoops, small shovels, etc. All feces removed by the person owning, harboring, keeping, or in charge of any such animal shall properly dispose of all feces in a sealed, nonabsorbent, leakproof container in an appropriate trash receptacle.
- B. The feces removed from the aforementioned designated area shall be disposed of by the person owning or in charge of any such dog in accordance with provisions of this chapter.

§ 120-24. Exceptions.

The provisions of this chapter as to removal and disposal of dog feces shall not apply to blind persons who may use dogs as guides.

City of Somers Point, NJ
Monday, November 20, 2017

Chapter 120. Dogs and Other Animals

Article I. Animal Licensing and Control

§ 120-6. General regulations.

- A. **Disturbance of the peace.** No person shall own, keep or harbor any dog or other animal which habitually barks, howls or cries and thereby disturbs the peace and quiet of the neighborhood and creates a nuisance at any time of the day or night.
- B. **Leashing.** No person owning, keeping or harboring any dog or similar animal shall permit it to be upon a public street, sidewalk, thoroughfare, park, playground or school yard or in any of the public places of the City unless it is controlled by an adequate leash or tether not more than 15 feet long, unless it is a property upon which dogs are prohibited such as specified in Article II of this chapter, or otherwise.
- C. **Nuisance prohibited.** No person owning, keeping or harboring any dog or other animal shall cause or allow said animal to soil, defile, deface or defecate on, or commit any nuisance on any public property. The person in charge of such animal shall immediately remove all feces deposited by such animal by any sanitary method. This same provision applies to any private property when the activities of the animal occur without permission of the property owner.
- D. **Property damage.** No person owning, keeping or harboring a dog or other animal shall permit it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds, garden or property of another person unless consented to by the other person.
- E. **Running at large.** No person owning, keeping or harboring any dog or other animal shall permit the animal to run at large, outside of the control of the owner, on public property or private property off the premises of the owner.

Litter

City of Somers Point, NJ
Monday, November 20, 2017

Chapter 169. Littering and Property Maintenance

Article I. General Provisions

[Adopted 3-9-1989 by Ord. No. 3-1989]

§ 169-1. Title.

This article shall be known and may be cited as the "1989 Clean Community Ordinance of the City of Somers Point."

§ 169-2. Word usage; definitions.

- A. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, and words used in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
- B. For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

AIRCRAFT

Any contrivance now known or hereafter invented, used or designed for flight in the air, including, without limitation, helicopters and lighter-than-air dirigibles and balloons.

CITY

The City of Somers Point, New Jersey.

HANDBILL

Any printed or written card, circular, leaflet, pamphlet, paper, booklet or any other medium, such as but not limited to a sample or device with writing or printing on it, which advertises or directs attention to any person, place, thing, activity or event for the purpose of either directly or indirectly encouraging, aiding and/or promoting or for discouraging and/or opposing the interest of such person, place, thing, activity or event. For purposes of this article, there is no distinction as to whether such interest is commercial or noncommercial.

LITTER

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, cap 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, commercial or noncommercial handbill, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging,

sawmilling, farming or manufacturing.

LITTER RECEPTACLE

A container suitable for the depositing of litter. If located outdoors, a container is suitable if it is of sturdy construction and has a top or lid which can be closed, so as to contain and confine litter and prevent the litter from being carried or deposited by animals and/or the elements upon any other property.

NEWSPAPER

Any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public. Such a "newspaper" is not a handbill within the meaning of this chapter.

PARK

A park, reservation, playground, boardwalk, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES and PRIVATE PROPERTY

Any dwelling, house, building or other structure, designed or used, either wholly or in part, for private residential and/or commercial purposes, whether occupied or temporarily or continuously unoccupied or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule and/or mailbox belonging or appurtenant to such dwelling, house or building or other structure.

PUBLIC PLACE and PUBLIC PROPERTY

Any street, sidewalk, beach, boardwalk, boulevard, alley or other public way and any public park, square, space, grounds or building and any area that is used or held out for use by the public, whether owned or operated by public or private interests.

VEHICLE

Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

§ 169-3. Litter receptacles.

- A. Litter receptacles shall be provided and serviced at the following public places which exist in the City:
- (1) Sidewalks used by pedestrians in active, commercially zoned areas, such that, at a minimum, there shall be no single linear 1/4 mile without a receptacle.
 - (2) Buildings held out for use by the public, including schools, government buildings and railroad and bus stations.
 - (3) Parks.
 - (4) Drive-in restaurants.
 - (5) All street vendor locations.

- (6) Self-service refreshment areas.
 - (7) Construction sites.
 - (8) Gasoline service station islands.
 - (9) Shopping centers.
 - (10) Parking lots.
 - (11) Campgrounds and trailer parks.
 - (12) Marinas, boat moorage and fueling stations.
 - (13) Boat launching areas.
 - (14) Public and private piers operated for public use.
 - (15) Beaches and bathing areas.
 - (16) Special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals.
- B. The proprietors of these places and/or the sponsors of these events shall be responsible for providing and servicing the litter receptacles such that adequate containerization is available.

§ 169-4. Litter on public or private property.

- A. No person shall throw, drop, discard or otherwise place any litter of any nature upon public or private property within the City other than in a litter receptacle.
- B. No person shall throw, drop, discard or otherwise place any litter of any nature in any fountain, pond, bay, stream or any other body of water within the City.

§ 169-5. Placement of litter in receptacles.

- A. Persons placing litter in any litter receptacle within the City shall do so in such a manner as to prevent the litter from being carried or deposited by animals and/or the elements upon any other public or private property. Where a litter receptacle is not present or is too full, all new litter shall be carried away by the person responsible for its presence and properly disposed of elsewhere. Open or overflowing commercial, industrial and/or residential litter receptacles located outdoors are prohibited within the City, and the owner(s) thereof as well as the person(s) responsible for causing any such condition may be found to be in violation of this provision.
- B. All litter which is generated at or upon private property is to be disposed of within the City only in accordance with laws regulating the same in connection with the City of Somers Point Solid Waste Management Ordinance, Ordinance No. 18-1988.^[1] No person shall dispose of any such litter at any litter receptacle maintained on public property within the City.

[1] *Editor's Note: See Ch. 216, Solid Waste.*

§ 169-6. Littering from vehicles.

- A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public or private property within the City.

- B. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed, loaded and covered as to prevent any load, contents or litter from dropping, shifting, leaking, being blown or otherwise escaping upon any public or private property within the City; nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry into or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 169-7. Duties of owners and occupants.

Persons owning or occupying or in charge of property within the City shall keep the sidewalks and curbs abutting the property free from obstruction and nuisances of every kind and shall keep the sidewalks, areaways, yards, courts and alleys free from litter and other offensive material. This section does not prohibit the storage of litter in litter receptacles for collection.

§ 169-8. Sweepings.

No person shall sweep into or deposit in any gutter, street or other public place within the City any accumulation of litter from any building or lot or from any public or private sidewalk or driveway. All sweepings shall be collected and properly containerized for disposal.

§ 169-9. Storage of bulky items.

In areas zoned residential within the City, the storage outdoors of tires and/or any bulky household items, such as appliances, furniture or mattresses, for a period of more than seven days, whether or not consecutive, is prohibited. The intent of this provision is to allow the placement of such items outdoors until the next day designated for the collection of bulky items but otherwise to prohibit accumulation and storage of such items outdoors in residential zones.

§ 169-10. Solid waste disposal.

No person shall discard or dump any household or commercial solid waste in any place within the City not specifically designated for the purposes of solid waste storage or disposal.

§ 169-11. Construction debris.

The accumulation or storage of debris on or around construction sites within the City in such a manner that it is likely to be removed by the elements onto adjacent property is prohibited.

§ 169-12. Storage of vehicles.

The placement and keeping of inoperable or unregistered vehicles on any public property or on any private vacant lot within the City, except as instructed by City police, is prohibited. The parking of any vehicle on any residential lawn is prohibited.

§ 169-13. Releasing balloons.

No person shall cause or willfully allow the release of any balloon within the City so as to allow it to float, drift, be carried or blown untethered over or into any natural body of water. Any person who, within the City, willfully or negligently causes or allows any balloon to fall, land or otherwise be placed or deposited in any natural body of water shall retrieve each such balloon from the water and dispose of it properly.

§ 169-14. Handbills.

- A. Loose and/or discarded handbills constitute litter within the meaning of this chapter.
- B. In order to control and prevent litter, no person shall place, throw, deposit, hand out or distribute within the City, whether or not by or in connection with any transaction of sale, any handbill:
 - (1) In any public place except by handing or transmitting it directly to another person who is willing to accept it.
 - (2) On or in any unoccupied vehicle, whether in a public or private place.
 - (3) On or in any private property which is temporarily or continuously unoccupied.
 - (4) On or in any occupied private property if requested by anyone thereon not to do so or if there is placed thereon in a conspicuous place any sign or other notice indicating "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the owner or occupant of the property does not desire to have the right of privacy disturbed or to have handbills left on the property.
 - (5) On or in any occupied private property unless such handbill is placed so as to secure or prevent such handbill from being blown or drifted about such property or onto any sidewalk, street or other public or private property.
 - (6) In any mailbox in violation of federal postal law or regulation.
- C. Each person actually distributing any handbill in any public or private place shall make reasonable inspection of the general area in which the distribution occurs, during and immediately after the time such handbill is distributed, and shall exercise reasonable care and effort to retrieve and properly dispose of any loose or discarded handbill which is on any public or private property in the area, which handbill is the same as that which such person distributed.
- D. Each person directing or requesting or otherwise directly or indirectly responsible for the distribution of any handbill in any public or private place shall assure that every person who actually distributes any such handbill complies with the cleanup provisions of the foregoing subsection. The conviction under the foregoing subsection of a person who actually distributed a handbill shall constitute prima facie evidence of a separate violation of this subsection by any such other responsible person.
- E. No person receiving any handbill shall dispose of the same in violation of § 169-5 or any other provision of this chapter.
- F. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, as defined in this chapter, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public property or upon another private property.

§ 169-15. Posting notices.

No person shall post or affix any notice, poster or other paper or device calculated to attract the

attention of the public to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

§ 169-16. Litter from aircraft.

No person in an aircraft will throw out, drop or deposit within the City any litter, handbill or any other object.

§ 169-17. Performance of work by City.

- A. Notice to remove. The City Code Enforcement Officer is hereby authorized and empowered to notify the owner of any open or vacant private property within the City, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to said owner at his last known address.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare, within 10 days after receipt of written notice provided for in Subsection A above or within 15 days after the date of such notice in the event the same is returned to the City by the post office because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the City Code Enforcement Officer is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.
- C. Charge included in tax bill. When the City has effected the removal of such dangerous litter or has paid for its removal, the actual costs thereof, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the City, and said charge shall be due and payable by said owner at the time of payment of such bill.
- D. Recorded statement constitutes lien. Where the full amount due the City is not paid by such owner within 30 days after the disposal of such litter, as provided for in Subsections A and B above, then and in that case the City Code Enforcement Officer shall cause to be recorded in the Tax Collector's office of the City a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, in any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 8% in the event that the same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. Said lien may be sold and assigned or foreclosed upon by the City in the same manner and to the same extent as a lien for unpaid taxes assessed on said property.

§ 169-18. Weed control.

[Amended 3-14-1991 by Ord. No. 6-1991]

A code declaring ragweed and poison ivy to be a nuisance, providing for removal or abatement thereof

and recovery of expenses incurred by the Board of Health in removing or abating such nuisance and prescribing penalties for violations was previously adopted by the City in Ordinance No. 13-1969, passed May 22, 1969, adopting state law embodied in Chapter 188 of the Laws of 1950, commonly known as the "Weed Control Code of New Jersey (1953)." That previous Ordinance No. 13-1969 is repealed by this article, but the provisions of said Weed Control Code of New Jersey (1953) are continued hereby in this article. Three copies of said Weed Control Code of New Jersey (1953) were placed on file in the office of the Chairman of the local Board of Health upon the introduction of Ordinance No. 13-1969 and will remain on file there for the use and examination of the public so long as this article is in effect.

§ 169-19. Violations and penalties.

- A. Any person violating any of the provisions of this article shall, upon conviction in the Municipal Court of Somers Point, be punished for each offense by a fine of not less than \$50 and not more than \$100 or by imprisonment for any term not exceeding 90 days in the county jail or in any place provided by the municipality for the detention of prisoners, or both. The Municipal Court Judge, before whom any person is convicted of violating this article, shall have the power to impose any fine or term of imprisonment within the foregoing limits fixed in this article.
- B. In default of the payment of any fine imposed hereunder, any person convicted of any violation may, in the discretion of the Municipal Court Judge by whom he was convicted, be imprisoned in the county jail or a place of detention provided by the municipality, for any term not exceeding 90 days.

§ 85-3. Hours.

[Added 3-14-1991 by Ord. No. 6-1991; amended 3-23-1995 by Ord. No. 2-1995]
Beach operating hours will be from 6:00 a.m. to 10:00 p.m.

§ 85-4. Additional rules and regulations.

[Added 3-14-1991 by Ord. No. 6-1991; amended 3-28-2002 by Ord. No. 2-2002]
The City Council of the City of Somers Point shall enact, and from time to time may amend, additional rules and regulations, as necessary.

§ 85-5. Violations and penalties.

[Amended 3-14-1991 by Ord. No. 6-1991]
Anyone having violated this chapter shall be subject to imprisonment in the county jail for a period not exceeding 90 days or to a fine not exceeding \$1,000 or to a period of community service not exceeding 90 days, or any combination of the foregoing.

*City of Somers Point, NJ
Monday, November 20, 2017*

Chapter 120. Dogs and Other Animals

Article I. Animal Licensing and Control

§ 120-6. General regulations.

- A. **Disturbance of the peace.** No person shall own, keep or harbor any dog or other animal which habitually barks, howls or cries and thereby disturbs the peace and quiet of the neighborhood and creates a nuisance at any time of the day or night.
- B. **Leashing.** No person owning, keeping or harboring any dog or similar animal shall permit it to be upon a public street, sidewalk, thoroughfare, park, playground or school yard or in any of the public places of the City unless it is controlled by an adequate leash or tether not more than 15 feet long, unless it is a property upon which dogs are prohibited such as specified in Article II of this chapter, or otherwise.
- C. **Nuisance prohibited.** No person owning, keeping or harboring any dog or other animal shall cause or allow said animal to soil, defile, deface or defecate on, or commit any nuisance on any public property. The person in charge of such animal shall immediately remove all feces deposited by such animal by any sanitary method. This same provision applies to any private property when the activities of the animal occur without permission of the property owner.
- D. **Property damage.** No person owning, keeping or harboring a dog or other animal shall permit it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds, garden or property of another person unless consented to by the other person.
- E. **Running at large.** No person owning, keeping or harboring any dog or other animal shall permit the animal to run at large, outside of the control of the owner, on public property or private property off the premises of the owner.

City of Somers Point, NJ
Monday, November 20, 2017

Chapter 85. Beaches

[HISTORY: Adopted by the City Council of the City of Somers Point 9-28-1978 as Ord. No. 13-1978 (Ch. 12 of 1967 compilation). Sections 85-3 and 85-4 added and § 85-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Community Education/Recreation Director — See Ch. 34, Art. II.
Board of Recreation Commissioners — See Ch. 48.
Alcoholic beverages — See Ch. 75.
Dogs and other animals — See Ch. 120.
Entertainment — See Ch. 128.
Littering — See Ch. 169.
Noise — See Ch. 188.
Parks — See Ch. 199.
Peddling and Soliciting — See Ch. 202.
Recreational vehicles — See Ch. 254.

§ 85-1. Prohibited activities.

The following activities shall be prohibited upon any beach area within the jurisdiction and under the control and supervision of the City of Somers Point:

- A. The throwing, placing, depositing or leaving of any bottles, cans, glasses, paper, refuse or debris of any kind or description in said areas.
[Amended 3-23-1995 by Ord. No. 2-1995]
- B. Behaving in a loud, noisy, boisterous, indecent or obscene manner or in any other manner which inconveniences, disrupts or disturbs others and the general peace and good order of the public.
- C. The hawking, peddling, selling or vending of any type of food or beverage without compliance with Chapter 202, Peddling and Soliciting, of the Code of the City of Somers Point.
- D. ^[1]Sleeping on the beach at any time between the hours of sunset to sunrise.
^[1] *Editor's Note: Former Subsection D, which prohibited picnicking or transporting and/or consuming food or beverages, was repealed 3-23-1995 by Ord. No. 2-1995. This ordinance also provided for the renumbering of former Subsections E and F to Subsection D and E respectively.*
- E. Operating a motor scooter, motorbike, motorcycle or motor vehicle of any type on the beach.

§ 85-2. Overcrowding.

In the event of the overcrowding of any beach areas, the Chief of Police or his designee shall have the authority to limit entrants and/or request removal of persons already thereon if in his discretion such overcrowding or potential overcrowding causes or will cause an immediate danger to the health, safety and welfare of others.

Improper Disposal of Waste

Containerized Yard Waste

City of Somers Point, NJ
Monday, November 20, 2017

Chapter 216. Solid Waste

[HISTORY: Adopted by the City Council of the City of Somers Point as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Dumpsters — See Ch. 124.

Littering and property maintenance — See Ch. 169.

Vehicles, abandoned or junked — See Ch. 247.

Article I. Collection, Recycling and Disposal

[Adopted 11-10-1988 by Ord. No. 18-1988]

§ 216-1. Purpose.

The purpose of this article is to provide for the removal and disposal of all refuse from the City of Somers Point.

§ 216-2. Definitions.

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

COMMINGLED

A combining of nonputrescible ("putrescible" meaning "to rot") source-separated recyclable materials for the purpose of recycling.

[Added 11-24-2010 by Ord. No. 14-2010]

CONSTRUCTION MATERIAL

Lumber, concrete, asphalt, Sheetrock, roofing and all items customarily associated with construction, reconstruction or demolition.

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the Atlantic County District Solid Waste Management Plan to be source separated for the purpose of recycling.

[Added 11-24-2010 by Ord. No. 14-2010]

DEVELOPMENT MATERIALS

Materials such as trees, shrubbery, underbrush, pruning waste or leaves from land being cleared by a private commercial individual, partnership or corporation for real estate development; or materials from a dwelling that is being built, renovated, remodeled, etc., by a private commercial contractor, partnership or corporation.

INDIVIDUAL NONRECYCLABLE MATERIALS

Bulk items such as furniture, carpet, car engines, tires and other materials which, due to bulk size, cannot be part of normal household recyclable or nonrecyclable materials.

NONRECYCLABLE MATERIAL

Trash all those materials which are solid waste which is not defined as recyclable that is normally placed at curbside for pickup; not including furniture.

OIL

Oil removed from any source by any commercial means.

PLASTICS

All materials made substantially of plastic or plastic compounds.

RECYCLABLE MATERIAL

Those materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials and products.
[Added 11-24-2010 by Ord. No. 14-2010]

RECYCLING MATERIALS

All materials which are solid waste and are able to be recycled.

A. ALUMINUM

Includes all products made wholly of aluminum, including but not limited to aluminum cans, aluminum sheds, lawn chair frames, aluminum siding, window frames and other clean household aluminum, but does not include aluminum foil, trays, plates and screening.

B. GLASS

All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other materials commonly known as "beverage container glass," excluding, however, blue and flat glass commonly known as "window glass" and white glass commonly known as "dishes," "mirrors," "drinkware," "tableware" and "ceramics."

C. PAPER

Newsprint, cardboard and all other forms of paper and paper products such as magazines, catalogues, office paper, etc., except those soiled or unfit due to sanitary or health reasons. Papers of personal nature shall be shredded so privacy can be protected.

D. YARD WASTE

Include leaves, trees, branches, underbrush, pruning waste, shrubbery and soil.

E. SCRAP METAL

Includes ferrous or tin cans, refrigerators, freezers, water heaters, washers, dryers, metal sheds and any other bulk metal household items which are also termed "white goods."

F. ELECTRONIC WASTE

A computer central processing unit and associated hardware, including keyboards, modems, printers, scanners and fax machines; a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television and cell phones.

[Added 11-24-2010 by Ord. No. 14-2010]

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

[Added 11-24-2010 by Ord. No. 14-2010]

SOURCE SEPARATION

The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purpose of recycling.

[Added 11-24-2010 by Ord. No. 14-2010]

§ 216-3. Preparation of solid waste for collection.

- A. All normal nonrecyclable household solid waste shall be kept in watertight metal or plastic receptacles and shall have a capacity of not more than 32 gallons. They shall be kept clean, covered, free from liquids and recyclable materials. The contents, when full, must not exceed 50 pounds.
- B. No normal household trash shall be picked up unless recyclable materials are excluded from it.
- C. All recyclable materials shall be separated from nonrecyclable materials and placed in containers not exceeding 50 pounds or 32 gallons. Newspaper and cardboard shall be securely tied or bagged. Branches shall be stacked uniformly, not to exceed six-foot bundles or 50 pounds and in such a manner as not to impede pedestrians or vehicular traffic.
- D. All containers containing nonrecyclable materials or all containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstructions to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above any time after 5:00 p.m. on the day immediately preceding the day of collection, but no later than 6:00 a.m. on the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. on the day of collection.
[Amended 11-24-2010 by Ord. No. 14-2010]
- E. Leaves may be placed in biodegradable bags year round. Leaves in loose fashion may be placed at the curblines between November 1 and January 31.
[Amended 11-24-2010 by Ord. No. 14-2010]
- F. No yard waste shall be placed closer than 10 feet from any storm sewer inlet along the street, unless such waste, including leaves, is bagged or otherwise containerized. To do otherwise shall constitute a violation of this article subject to the penalties set forth in § 216-12.
[Added 11-24-2010 by Ord. No. 14-2010]
- G. Grass must be in biodegradable paper bags and will be collected year round.
[Added 11-24-2010 by Ord. No. 14-2010]

§ 216-4. Collection of solid waste materials.

- A. The City of Somers Point shall collect and remove recyclable materials from residential dwellings and multifamily dwellings with four units or less, except for those items collected by the County of Atlantic.
- B. The City of Somers Point shall collect and remove all normal nonrecyclable household trash from all residential and multifamily dwellings with four units or less.
- C. The time and manner of collection shall be set by the Superintendent of Public Works and the Recycling Coordinator, who shall notify the public in any reasonable manner of the schedules.
- D. Multifamily and commercial establishments shall provide for the separate collection and removal of both recyclable and normal nonrecyclable household trash, except for those items collected by the

County of Atlantic.

- E. Each private commercial individual, partnership or corporation shall provide for collection and removal of all development, construction and landscaping materials.
- F. The owner of any property shall be responsible for compliance with this article. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the collection or recycling materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violation and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.
[Added 11-24-2010 by Ord. No. 14-2010]
- G. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this article.
[Added 11-24-2010 by Ord. No. 14-2010]
- (1) The arrangements for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
 - (2) Every business, institution or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
 - (3) All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products and maintain such records as may be prescribed for inspection by any code enforcement officer.
- H. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
[Added 11-24-2010 by Ord. No. 14-2010]
- I. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and the recyclables to accumulate will be considered a violation of this article and the local sanitary code.
[Added 11-24-2010 by Ord. No. 14-2010]
- J. Once placed in the location identified by this article, or any rules or regulations promulgated pursuant to this article, no person, other than those authorized by the municipality, shall tamper with, collect, remove or otherwise handle designated recyclable materials.
[Added 11-24-2010 by Ord. No. 14-2010]

§ 216-5. Bulk items.

Bulk items shall be collected in a manner to be determined by the Superintendent of the Department of

Public Works. The manner of collection shall be reasonably calculated to provide for notification to the public, set reasonable schedule and provide for reasonable fees, if any.

§ 216-6. Use of streets for collection restricted.

No one except the County of Atlantic and holders of permits under this article shall use the public streets, avenues, alleys or highways of the City of Somers Point for the purpose of collecting or disposition of any offal, garbage or refuse matter that may become dangerous to the public health.

§ 216-7. Private contractors for removal of solid waste.

[Amended 11-24-2010 by Ord. No. 14-2010]

- A. Private collectors of solid waste must comply with all requirements of this article and rules and regulations thereunder, together with all laws of the State of New Jersey for recycling.
- B. Private collectors of solid waste must report to the Recycling Coordinator the tonnage figures for all recyclable materials collected in the City of Somers Point.
- C. Any person, firm, partnership or corporation violating any of the provisions of this section shall, for a first conviction, pay a fine of not less than \$50 nor more than \$200. For a second conviction, the fine shall be not less than \$200 nor more than \$500. For a third conviction, there shall be a fine of \$500, together with forfeiture of permit and prohibition against obtaining a new permit for two years.

[1] *Editor's Note: The licensing provisions of this section shall be effective 1-1-1989.*

§ 216-8. Scavengers.

- A. From the time of placement at the curb of any residence or nonresidence of recyclable materials for collection by the City of Somers Point in accordance with the terms hereof, such materials shall be and become the property of the City of Somers Point or its authorized agent. It shall be a violation of this article for any person unauthorized by the city to collect or pick up or cause to be collected or picked up any such recyclables. Each such collection and violation thereof for one or more properties shall constitute a separate and distinct offense punishable as hereinafter provided.
- B. Notwithstanding the provisions of the previous subsection, any person who is an owner, lessor or occupant may donate or sell recyclables to any person, partnership or corporation, whether operating for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances pick up any said recyclables from curbside in the City of Somers Point, whether or not said recyclables are placed at curbside on or immediately preceding regular curbside collection. In the event that they are donated within the terms of this article, it shall be the responsibility of the person or persons accepting the donation to notify the Department of Public Works and the Recycling Coordinator of the City of Somers Point so to afford the City of Somers Point proper accounting of weight diverted from the solid waste stream. Prior to collecting any recyclable materials, the person, partnership or corporation operating for profit or not for profit or a charitable, educational, cultural or religious organization must register with the Department of Public Works and receive written authorization to present while soliciting.

§ 216-9. Developmental plans.

[Amended 11-24-2010 by Ord. No. 14-2010]

For new developments of multifamily residential units or commercial, institutional or industrial properties (pursuant to N.J.S.A. 13:1E-99.13a and 13:1E-99.16c):

- A. Any application to the Planning Board of the City of Somers Point for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units or any commercial, institutional or industrial development for the utilization of 1,000 square feet or more of land must include a recycling plan. This plan must contain, at a minimum, the following:
 - (1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
 - (2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.
- B. Prior to the issuance of a certificate of occupancy by the City of Somers Point, the owner of any new multifamily housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.

§ 216-10. Yard materials.

Any materials resulting from commercial landscapers, lawn contractors, tree surgeons and the like must be disposed of by the vendor.

§ 216-11. Enforcement.

[Amended 11-24-2010 by Ord. No. 14-2010]

The Code Enforcement Official, the Department of Health, the Recycling Coordinator and the Atlantic 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 solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 216-12. Violations and penalties.

[Amended 11-24-2010 by Ord. No. 14-2010]

- A. Any person, corporation, occupant or entity that 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 \$250 or more than \$1,000. Each day for which a violation of this article occurs shall be considered a separate offense.
- B. Fines levied and collected pursuant to the provisions of this article shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the municipal trust fund shall be used for the expenses of the municipal recycling program.

§ 216-13. Jurisdiction.

The Municipal Court of the City of Somers Point shall have jurisdiction to hear complaints for violations of this article.

§ 216-14. Recycling Coordinator; recycling goal.

[Amended 11-24-2010 by Ord. No. 14-2010]

- A. The City Council shall designate a Recycling Coordinator, who shall have the authority to administer the recycling program in the City of Somers Point. The Recycling Coordinator shall be under the jurisdiction of the Superintendent of Public Works.
- B. The City of Somers Point accepts the recycling goal of 50% to be achieved by 2019.

Article II. Reimbursement of Collection Costs for Multifamily Dwellings

[Adopted 2-12-2009 by Ord. No. 2-2009]

§ 216-15. Calculation methodology.

The following calculation methodology for establishing the amount of reimbursement to be paid pursuant to the provisions of the Kelly Law^[1] is hereby adopted:

- A. The total cost of solid waste collection for the previous year divided by the total assessed value of residential property for the previous year equals the cost of solid waste collection per \$1 of assessed valuation of residential property for the previous year.
- B. The quotient of the above equation multiplied by the annual assessment of multifamily dwelling for the previous year equals the amount of reimbursement for the current year.

[1] *Editors' Note: See N.J.S.A. 40:66-1 et seq.*

Illicit Connections

City of Somers Point, NJ
Monday, November 20, 2017

Chapter 212. Sewers

Article VIII. Illicit Connections

[Adopted 9-8-2005 by Ord. No. 14-2005]

§ 212-19. Purpose.

An article to prohibit illicit connections to the municipal separate storm sewer systems operated by the City of Somers Point, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 212-20. 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 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE

Waste and wastewater from humans or households operations.

ILLICIT CONNECTION

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the City of Somers Point, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

Nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. 1317(a), (b), or (c)].

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 City of Somers Point or other public body and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NONCONTACT COOLING WATER

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Noncontact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

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

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

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.

§ 212-21. Prohibited conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the City of Somers Point any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 212-22. Enforcement.

This article shall be enforced by the Construction Official and Code Enforcement Officer of the City of Somers Point.

§ 212-23. Penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,000.

Refuse Container / Dumpsters

City of Somers Point, NJ
Friday, November 17, 2017

Chapter 124. Dumpsters

[HISTORY: Adopted by the City Council of the City of Somers Point 3-14-1985 by Ord. No. 5-1985 (Ch. 34B of 1967 compilation); amended in its entirety 10-11-2007 by Ord. No. 22-2007. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Littering and property maintenance — See Ch. 169.

§ 124-1. Permit required.

No person, corporation or representative of any firm shall place or permit to be placed any dumpster, oversized trash container or building materials on any street, roadway or highway in the City of Somers Point without first obtaining a permit to do so. Said permit shall be issued by the Construction Official following the filing of an application indicating the exact location and purpose of placement. Said application shall be submitted to the Chief of Police or his designate for review, and, after determining the safety and the appropriate nature of the location, said permit may be issued for a specific space for a period not to exceed five days. Under certain conditions a valid permit may be extended after a review by the Construction Official and the Police Department. "Oversized trash container" is defined as a receptacle containing in excess of 50 pounds. No temporary storage units ("pods", etc.) are allowed to be placed in the street, or on public walkways.

§ 124-2. Marking.

[Amended 12-13-2007 by Ord. No. 29-2007]

After the issuance of a permit, said container may be placed at the location but shall be properly marked by reflectors on each corner of the container or building materials.

§ 124-3. Permittee's responsibility; nonliability of City.

The applicant to whom a permit is granted shall keep the container properly marked, and, at all times, said placement shall allow for safe passage of pedestrians and vehicles in and along the public way. The City shall not be responsible for any injury to persons or damage to property resulting from the negligence of the applicant or his agents or employees.

§ 124-4. Permit fee.

Each application shall be accompanied by a fee of \$20 or a check made payable to the City of Somers Point.

§ 124-5. Covering of containers; prevention of leaks and

Private Storm Drain Inlet Retrofitting

City of Somers Point, NJ
Friday, November 17, 2017

Chapter 114. Development Regulations

Article XXX. Private Storm Drain Inlet Retrofitting

[Added 12-9-2010 by Ord. No. 17-2010]

§ 114-222. Purpose.

This article requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing or alterations of facilities on private property to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the City so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 114-223. 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 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 City of Somers Point 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.

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

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.

§ 114-224. Prohibited conduct.

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering of any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in § 114-225 below prior to the completion of the project.

§ 114-225. Design standard; exceptions.

Storm drain inlets identified in § 114-224 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see Subsection C below.

- A. Grates.
 - (1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (a) The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches or is no greater than 0.5 inch across the smallest dimension.
 - (2) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and stormwater basin floors.
- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches or be no greater than two inches across the smallest dimension.
- C. This standard does not apply:
 - (1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets that meet these standards;
 - (2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space $4 \frac{5}{8}$ inches long and $1 \frac{1}{2}$ inches wide (This option does not apply for outfall netting facilities.); or
 - (b) A bar screen having a bar spacing of 0.5 inch.
 - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing

between the bars; or

- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register-listed historic property.

§ 114-226. Enforcement.

This article shall be enforced by the Construction Official and Code Enforcement Officer of the City of Somers Point.

§ 114-227. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$500 for each storm drain inlet that is not retrofitted to meet the design standard.