

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.*