

CHAPTER XVII

SOLID WASTE MANAGEMENT

17-1 DEFINITIONS.

As used in this chapter:

Authorized private receptacles for collection shall mean containers made of metal, plastic, rubber or other similar material which are waterproof and are fitted with a waterproof cover which fits on the receptacle in such a manner so as to discourage birds, animals and children from removing the same. Such lid or cover shall not be permanently affixed to the receptacle and must be capable of being totally removed when being emptied. The capacity of such container/receptacle shall not exceed thirty-two (32) gallons liquid and/or fifty (50) pounds.

Exceptions for recyclables shall mean any item declared or found to be a recyclable item by the laws of the United States, the laws of the State of New Jersey, any ordinance or resolution of the Ocean County Board of Freeholders or any ordinance or regulation adopted by the Borough shall not be included in the foregoing definitions and shall be dealt with as a recyclable item in accordance with regulations of the Department of Sanitation and Recycling.

Garbage shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Editor's Note: For provisions regarding litter, see Section 4-1 of Chapter IV. For provisions regarding property maintenance, see Chapter XII.

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Refuse shall mean all nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(1969 Code § 4-3.1; Ord. No. 89-16 § 3; Ord. No. 2015-07)

17-2 RECEPTACLES.

17-2.1 Requirements. The owner or person in control of any private property shall at all times maintain on the premises at least one (1) authorized private receptacle of not less than twenty (20) gallon capacity liquid nor more than thirty-two (32) gallon capacity liquid for each two (2) occupants of each dwelling unit located on the property. (Ord. No. 89-16 § 5; Ord. No. 90-13 § 1)

17-2.2 Overflowing Waste Disposal Bins. Any open or overflowing commercial, industrial or residential waste disposal dumpster and/or refuse container is prohibited. The Borough of Surf City prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-solids or solids from the containers onto the ground or into the municipal storm sewer system or into any waters of the Municipality, County or State. (Ord. No. 88-20 § 4; Ord. No. 2010-06)

17-3 RECYCLING.

17-3.1 Short Title. This section shall be known and may be cited as "The Recycling Regulations of the Borough of Surf City." (Ord. No. 88-16 § 1)

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17-3.2 Definitions. As used in this section:

Aluminum cans shall mean empty all-aluminum beverage and food containers.

Commercial establishments shall mean those properties used primarily for commercial purposes and those

multiple dwelling residential buildings containing more than four (4) dwelling units.

Ferrous containers shall mean empty steel or tin food or beverage containers.

Glass containers shall mean bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain and ceramic products.

Institutional establishments shall mean those facilities that house or serve groups of people, including but not limited to, hospitals, schools, nursing homes, libraries and governmental offices.

Newspapers shall mean paper of the type commonly referred to as newsprint and distribution at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however are newspapers which have been soiled. Newspapers shall be deemed soiled if they have been exposed to substances or conditions rendering them unusable for recycling.

Paint cans shall mean all cans which once contained oil based or water based paint. In order to be collectible the can must be either empty and/or remaining paint must be dried.

Person shall mean every owner, lessee and occupant of a residence, commercial or institutional establishment within the boundaries of the Borough.

Recyclable materials shall mean 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.

Residence shall mean any occupied single or multifamily dwelling having up to four (4) dwelling

units per structure from which a municipal or private hauler collects solid waste.

Solid waste shall mean garbage, refuse, and other discarded solid material normally collected by a municipal or private hauler.

(Ord. No. 88-16 § 1; Ord. No. 93-3 § 1)

17-3.3 Establishment of Program. There is hereby established a program for the mandatory separation of the following recyclable materials from the Municipal solid waste stream by all persons within the Borough of Surf City, hereinafter referred to as the "Municipality."

a. *Residential Sector.*

1. Aluminum Cans
2. Ferrous Containers
3. Glass Containers
4. Newspapers
5. Paint Cans
6. Mixed Paper—magazines, catalogs, junk mail and used writing paper
7. Automobile Batteries
8. Motor Oil
9. White Goods
10. Tires

b. *Commercial, Industrial and Institutional Sector.*

1. Aluminum Cans
2. Ferrous Containers
3. Glass Containers
4. Newspapers

5. Paint Cans
6. Mixed Paper—magazines, catalogs, junk mail and used writing paper
7. Automobile Batteries
8. Motor Oil
9. White Goods
10. Tires
11. Stumps, Tree Trunks and Brush (Existing stump handling facilities are grandfathered—Ocean County Landfill and Tanner Landfill)
12. Concrete
13. Cement Blocks
14. Bricks
15. Asphalt
16. Ferrous Scrap
17. Nonferrous Scrap
(Ord. No. 88-16 § 1; Ord. No. 93-3 § 1; Ord. No. 96-7)

17-3.4 Separation of Recyclables and Placement for Disposal.

- a. The recyclable materials designated in subsection 17-3.3 of this section, excluding newspapers, shall be put in a suitable container, separate from other solid waste and placed at the curb or such other designated area for collection at such times and dates as may be hereinafter established in the Municipality's recycling regulations. The container for recycling materials shall be clearly labeled and placed at the curb or such other designated area for each collection, regardless of whether any recyclable materials are available for collection.

- b. Newspapers and cardboard may be bundled and tied with twine and placed at the curb or other designated area for collection at such times and dates as are established in the Municipality's recycling regulations. The maximum weight of each bundle shall not exceed thirty (30) pounds (approximately twelve (12") inches high). Alternatively, newspapers and cardboard may be placed in a closed container marked so as to indicate newspaper recycling and placed at the curb or other designated area for collection at such times and dates as are established in the Municipality's recycling regulations. The closed container may not exceed thirty-two (32) gallon capacity and may not exceed thirty (30) pounds in weight.
- c. Paint cans shall be recycled in the manner as set forth in the recycling rules and regulations as adopted by resolution of the Borough Council.
 - 1. Residential paint can disposal shall be monitored so as to control and prohibit paint cans being imported into the Municipality for disposal by either residents or nonresidents. Residents are strictly prohibited from bringing empty paint cans into the Municipality from another residence or business outside of the Borough. Failure to comply with this will subject person/resident to a penalty in accordance with subsection 17-3.10.
 - 2. Failure to dispose of paint cans properly and/or persons disposing of or allowing for the disposal of cans which are not used by a resident of the Borough will be subject to penalty in accordance with subsection 17-3.10.
(Ord. No. 88-16 § 1; Ord. No. 93-3 § 1; Ord. No. 2008-04 § 1)

17-3.5 Separation of Leaves and Placement for Disposal. All persons within the Municipality shall separate leaves from other solid waste generated at their premises and,

unless the leaves are stored or recycled for composting or mulching on the premises, place the leaves at the curb or other designated area for collection at such times and dates and in the manner established by the Municipality's recycling regulations. Said leaves are to be placed inside closed containers or recycling bags prior to placement at the curb, which containers shall be placed curbside no sooner than seven (7) days before a scheduled pickup and shall be no closer than ten (10) feet from any storm drain inlet. (Ord. No. 88-16 § 1; Ord. No. 2005-08 § II)

17-3.6 Alternative Collection of Recyclable Materials.

Any person may donate or sell recyclable materials to individuals or organizations authorized by the Municipality in its recycling regulations. These materials may either be delivered to the individual's or organization's site or they may be placed at the curb for collection by the individual or organization on days not designated as recyclable material collection days in the Municipality's recycling regulations. The individuals or organizations may not collect recyclable materials on or within the twenty-four (24) hours immediately preceding a regularly scheduled curbside collection day and shall, prior to June 1 of each year, provide written documentation to the Municipality of the total amount of material recycled during the preceding calendar year. (Ord. No. 88-16 § 1)

17-3.7 Collection by Unauthorized Persons. It shall be a violation of this section for any unauthorized person or organization to collect, pick up or cause to be collected or picked up within the boundaries of the Municipality any of the recyclable materials designated in subsection 17-3.3 of this section. Each such collection in violation of this section shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. No. 88-16 § 1)

17-3.8 Enforcement and Administration. The Recycling Coordinator is hereby authorized and directed to establish and promulgate reasonable regulations detailing the manner, days and times for the collection of the recyclable materials designated in subsection 17-3.3 of this section and such other matters as are required to implement this section. Such regulations shall take effect only upon the approval of the Borough Council by adoption of a resolution implementing same. The Recycling Coordinator and/or Superintendent of Public Works is hereby authorized and directed to enforce the provisions of this section and any implementing regulations adopted hereunder. (Ord. No. 88-16 § 1)

17-3.9 Exemptions.

- a. *Commercial and Industrial Establishments.* The Borough Council may exempt persons occupying commercial and institutional establishments from the source separation requirements of subsection 17-3.4 of this section if those persons have otherwise provided for the recycling of recyclable materials designated in subsection 17-3.3 of this section. To be eligible for an exemption under this section the person seeking the same shall, prior to June 1 of each year, provide written documentation to the municipality of the total amount of materials recycled during the preceding calendar year.
- b. *Exemptions to Curbside Placement Requirements.* Notwithstanding any curbside placement requirements set forth in the section and any rules and regulations promulgated under such ordinances, there is hereby established application procedures for exemption therefrom.
 1. By written application on a form supplied by the Borough, any person may apply to the governing body for an exemption from the curbside placement requirements of the ordinances of the Borough for the pick up of garbage, litter, refuse, rubbish, trash and recyclable materials. The governing body shall consider the application at the next regular governing body meeting following the filing of the application form with the Municipal Clerk except that the governing body may defer consideration of the application to the following regular governing body meeting if the form is filed less than one (1) week prior to the next scheduled regular governing body meeting.
 2. The governing body shall render its decision on the proofs provided with the written application and may in its discretion consider oral represen-

tations by the applicant and other interested parties at the meeting.

3. The governing body may in its discretion grant an exemption from curbside placement requirements on a case by case basis if the applicant proves that complying with those requirements would result in undue hardship to the applicant because, (a) of physical handicap, illness, age, infirmity or the like, or (b) that the physical conditions of the premises are not conducive to curbside placement because of the lack of curbing or other specific conditions that would result in unsightly and potentially litter producing situations, such that the health, safety and welfare of the Borough, its inhabitants and the applicant would be materially adversely affected by curbside placement requirements in the specific instance set forth by the applicant.
4. Any grant or partial grant of an exemption by the governing body shall be conditioned upon the applicant paying to the Borough the amount of one hundred fifty-six (\$156.00) dollars per year based upon one dollar and fifty (\$1.50) cents per pick up together with the current payment of any fees established by rules, regulations and schedules adopted from time to time by the Borough. The governing body may, but need not, reduce and prorate the additional exemption fee for exemptions granted for less than a full year.
5. The governing body may in its discretion modify the exemption applied for or otherwise mold the granting of the exemption to the specific situation as it deems fit including without limitation exemptions only for particular types of garbage or recyclables, or exemptions for particular pick ups or periods of time. The exemption may be revoked at any time by the governing body upon a showing

of changed circumstances indicating the exemption is no longer justified. In all cases, any exemption granted is a temporarily licensed privilege and not a right.

6. The governing body's decision as to the application, whether the application is granted, partially granted or denied, shall be final and no appeals shall be taken therefrom by any person. The applicant agrees, as a condition of the governing body considering the application, to take no appeals from the decision of the governing body.
7. Any decision made by the governing body as to any such application shall not be considered a precedent for other applicants presenting similar situations, nor for purposes of a renewal application by the same applicant.
8. Any exemption provided under this section shall apply to curbside placement only and any and all applicants must comply in all other respects with the ordinances of the Borough.
9. Under the direction and supervision of the Borough Superintendent, the Department of Sanitation and Recycling may prescribe rules and regulations pertaining to the exemptions provided for herein, upon approval of the Borough Council.
10. As a condition of any exemption, the applicant agrees, and the executed application form shall so provide, that the applicant expressly, voluntarily and with full understanding:
 - (a) Grants full invitation and license to all authorized municipal personnel for the entering upon the lands and premises of the

applicant for the purposes of picking up noncurbside placed containers;

- (b) To fully indemnify and hold harmless the Borough of Surf City for any injuries that may occur as a result of such pick up, to any person or property;
- (c) Releases the Borough from, and relinquishes all claims against the Borough of Surf City for any injury to the applicant or applicant's premises or to any other person or property arising from the noncurbside pick up.

(Ord. No. 88-16 § 1; Ord. No. 91-15 § 2)

17-3.10 Violations and Penalties.

- a. Any person violating the provisions of subsection 17-3.7 of this section shall be subject to a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each offense.
- b. Any person violating any provision of this section other than subsection 17-3.7, or any regulations adopted hereunder, shall be liable, upon conviction, to the penalties established in Chapter I, Section 1-5.
- c. Each and every day in which a violation of any of the provisions of this section exists shall constitute a separate offense.

(Ord. No. 88-16 § 1)

17-4 TRANSPORTATION OF REFUSE FROM OUTSIDE THE BOROUGH.

17-4.1 Transportation from Outside Borough. No person shall bring, cart, remove, transport or collect any litter, trash or recyclable materials from outside the Borough, or into the

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Borough, for purpose of dumping or disposing thereof, unless
so authorized by the Borough. (1969 Code § 4-3.6; Ord. 93-3 § 2)