

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 005-2014

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XXIV (SOLID WASTE AND RECYCLABLES) OF THE CODE OF
UPPER TOWNSHIP**

WHEREAS, the Township Committee desires to amend Chapter 24 – Solid Waste and Recyclables to reflect changes in the method of the collection of solid waste and recycling; and

WHEREAS, in April 2013 the Cape May County Municipal Utilities Authority began accepting single-stream recycling and expanded the types of both paper and plastics that could be recycled; and

WHEREAS, the Township of Upper has purchased automated collection vehicles and refuse and recycling containers for use by residents;

BE IT ORDAINED by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

SECTION 1. Chapter XXIV, Sections 24-1 and 24-2, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as follows:

24-1 COLLECTION AND DISPOSAL OF SOLID WASTE.

24-1.1 Unchanged

24-1.2 Unchanged

24-1.3 Definitions.

Replace the following definition:

Container shall mean an automated collection cart provided by the Township of Upper unless the context indicates otherwise.

24-1.4 unchanged

24-1.5 Limitations on Quantity Collected.

The Township will provide the municipal collection of solid waste as follows:

- a. Residential properties shall:
 1. Have weekly pickup.

2. One ninety-six-gallon container will be assigned by serial number recorded by the Department of Public Works to each residential property and will remain the property of the Township of Upper.
 3. If occupant moves, the container assigned to that property must be left behind for the new occupant.
 4. Residents may trade in the ninety-six-gallon container for a smaller sixty-four-gallon container or thirty-five gallon container upon review by the Department of Public Works based on the request by the resident stating that the ninety-six-gallon container is too large.
 5. Residents after following all recycling rules and regulations but still not having enough space in the ninety-six-gallon container may purchase a second container at a price set by the Township Committee by resolution as part of the solid waste collection rules and regulations.
 6. If a container is lost, the resident must purchase a replacement container from the Township.
- b. Commercial properties shall:
1. Have weekly pick-up
 2. Be limited in quantity to One ninety-six-gallon container which will be assigned by serial number recorded by the Department of Public Works to each commercial property and will remain the property of the Township of Upper.
 3. If the business moves, the container assigned to the business must be left behind for the new business.
 4. If the commercial property requires more than one ninety-six-gallon container then the property shall comply with Section 24-1.11.
 5. If a container provided by the Township is lost, the property owner must purchase a replacement container from the Township.
- c. Home occupations shall be deemed the same as residential property and shall comply with subsection a. above.
- d. The following shall apply to multi-family housing developments, notwithstanding any other provision of this Chapter:
1. Multi-family housing developments shall have a weekly pick-up.
 2. Unless a different method of collection is approved by the Township, the facility shall provide a suitable central location on the premises for the storage of said materials.
 3. Containers shall be determined by the Township Department of Public Works based on the nature of the development and efficiency concerns.
 4. The storage area must be designed so as to allow Township collection crews easy access to said materials and to prevent said materials from being scattered by the elements.
 5. In lieu of a central location, the Township may require an alternative means of collection based on accessibility, maneuverability and efficiency.
 6. There shall be no limitation as to the amount or quantity collected; however, the Township, in lieu of Township collection, reserves the right to reimburse the facility for the reasonable cost of such collection by a private hauler as set forth in subsection 24-1.11e.

24-1.6 Time of Collection.

- a. Garbage, trash and solid waste will be collected once each week on such day and at such times as are specified by the Township Committee pursuant to resolution.
- b. Bulk trash will be collected monthly on such days and during such hours as are specified by the Township Committee by resolution.

24-1.7 unchanged.

24-1.8 Permitted Containers; Plastic Bags Prohibited.

- a. The occupant of each premises shall utilize the container provided by the Township, no other container will be used for collection.
- b. Plastic or vinyl trash bags may not be used unless inserted inside a container.

24-1.9 unchanged.

24-1.10 unchanged.

24-1.11 Obligation of Occupant: Commercial and Multi-family Housing Development.

- a. The owner, operator or manager of a commercial property must designate a central location within the complex to deposit solid waste collection. If the aggregate amount of such solid waste exceeds the limits in quantity imposed by this Chapter, such owner, operator or manager shall arrange for the collection of such solid waste as provided in this section. The quantity to be collected by the Township is one ninety-six-gallon container and must be placed curbside.
- b. The occupant of each commercial property which generates in excess of one ninety-six-gallon container of solid waste per week shall contract with a private hauler licensed by NJDEP to collect and dispose of such solid waste or shall otherwise personally deliver such excess solid waste to the secure sanitary landfill operated by the CMCMA. The cost of collection and disposal shall be the sole responsibility of such commercial occupant, owner or manager.
- c. The occupant of commercial property shall arrange for weekly collection or disposal of excess solid waste unless the nature of the commercial activity or enterprise or the volume of solid waste generated requires more frequent disposal in order to protect the public health and welfare and to prevent the creation of a health hazard and to prevent obnoxious odors or otherwise avoid the creation of a nuisance.
- d. The owner, operator or manager of any multi-family housing development must designate a central location within the complex to deposit solid waste pending collection.
- e. The Township of Upper shall have the option, in lieu of Township collection, to reimburse the owner of a multi-family housing development for the reasonable cost of collection by a private waste hauler licensed by NJDEP to collect and dispose of such solid waste. In the event the Township elects not to reimburse the owner of a multifamily housing development for such reasonable cost, the Township shall collect solid waste in accordance with this Chapter. In the event the Township elects to reimburse said reasonable cost of collection payment to the owner shall be made on a semi-annual basis.

24-1.12 unchanged.

24-1.13 unchanged.

24-1.14 unchanged.

24-1.15 unchanged.

24-2 COLLECTION AND DISPOSAL OF RECYCABLE MATERIALS.

24-2.1 unchanged.

24-2.2 unchanged.

24-2.3 Definitions.

Replace the following definitions:

Commingled recycling shall mean nonputrescible source-separated recyclable materials (mixed glass bottles and jars, metal cans and plastic containers with #1 through #7 recycling symbol) for the purpose of recycling.

Container shall mean an automated collection container provided by the Township of Upper unless the context indicates otherwise.

Mixed paper shall mean all uncontaminated paper material including used newspaper, magazines, advertising circulars, office paper, brown paper bags, chipboard boxes, clean pizza boxes, gift wrapping paper and corrugated cardboard.

24-2.4 unchanged.

24-2.5 Time of Collection.

- a. Recycling materials, including commingled material, mixed paper and compostable materials, will be collected once a week excluding holidays on such days and at such times as are specified by the Township Committee pursuant to resolution.
- b. White goods and junk metal will be collected at least once a month on such days and at such times as specified by the Township Committee by resolution.
- c. Other items shall be collected as described in subsection 24-2.7 below.

24-2.6 unchanged.

24-2.7 Obligations of Residential and Commercial Occupant.

- a. The occupant of each premises in the Township shall provide for the collection of recycling materials as follows:
 1. Commingled material and mixed paper shall have weekly pickup in the same container.
 - a) One ninety-six-gallon container will be assigned by serial number recorded by the Department of Public Works to each residential property and will remain the property of the Township of Upper.
 - b) If occupant moves, the container assigned to that property must be left behind for the new occupant.
 - c) Residents may trade in the ninety-six-gallon container for a smaller sixty-four-gallon container or thirty-five gallon container upon review by the Department of Public Works based on the request by the resident stating that the ninety-six-gallon container is too large.
 - d) Residents after following all recycling rules and regulations but still not having enough space in the ninety-six-gallon container may purchase a second container at a price set by the Township Committee.
 - e) Containers needing repair: resident shall notify the Department of Public Works.
 2. Motor Oil. Used motor oil shall be in a one (1) gallon plastic container with a screw top lid. No other type container shall be used. Method of collection shall be set by the Township Committee.
 3. Bagged Leaves, Grass Clippings. Bagged leaves, grass clippings, and small yard waste shall be placed in a paper compost bag, or in a metal or heavy duty plastic container. The container must have external handles, removable lid and shall be no smaller than twenty (20) gallons nor larger than forty (40) gallons and shall weigh fifty (50) pounds or less when loaded. Paper bags shall not be filled to a capacity so that it cannot be lifted and handled by a single member of the collection crew. Bags and/or containers shall be placed at the curb and collected at least once a month.
 4. Loose Leaves. Loose leaves shall be collected as follows:

From April 1st to April 30th and From November 15th to December 31st.

The leaves may be raked to the curb or roadside only during such period and must be free of trash, debris, sticks and dirt. No collection of loose leaves will occur at any other time of the year.
 5. Tree Trimming. Residential tree trimmings shall be placed at the curb with the large ends facing the street. The pile shall be neat and arranged in such a way as to facilitate handling. Tree trimmings shall not include stumps or the trunk of a tree. No tree trimmings from either lot clearing or tree removal will be collected and the occupant must arrange for the disposal of such either personally or by contracting with a private or commercial hauler. Such materials will be collected between January 1st to April 1st and May 1st to October 31st by set schedule, set forth by Township Committee. The Township may limit the amount of tree trimmings a resident may place at the curb by resolution of the Township Committee adopting such rule or regulation.
 6. White Goods. White goods shall be placed at the curb or roadside on bulk trash collection day only. Doors must be removed from refrigerators and freezers prior to placing same at curbside for collection.

7. Metal Scrap. Metal scrap shall include metals such as copper, iron, sheet metal, aluminum, radiators, structural steel and metal pipe. Items shall be placed at the curb or roadside on bulk trash collection day only.
8. Auto Parts. All used and junk automobile, truck and boats and parts thereof shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to a private sector market or junk yard.
9. Tires. Used auto tires shall be placed at the curb or roadside on bulk trash collection day only. Such tires shall only be collected if the tires were removed from an automobile registered to the resident at that address. Commercial use disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
10. Electronics. Shall include computer hardware, keyboards, modems, printers, scanners, fax machines, cathode ray tubes, flat panel displays, televisions, cell phones, VCR's, radios and telephones. Electronic items shall be placed to the curb or roadside on bulk trash collection day only.
11. Tree Stumps. Tree stumps shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
12. Christmas Trees. Christmas trees shall be collected curbside during the month of January. Trees shall be free of decorations, tree stands and plastic bags.
13. Wood Pallets and Crates. Items shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
14. Propane Tanks. Items shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
15. Antifreeze. Containers shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
16. Automobile Batteries. Shall include car and marine batteries and shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
17. Kerosene and #2 Heating Oil. Containers shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
18. Asphalt and Concrete. Material shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to a NJDEP approved recycling facility which accepts this material for recycling.
19. Contaminated Soil. Material shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or a NJDEP approved recycling facility which accepts this material for recycling.
20. Cooking Grease and Oil from Commercial Sources. Containers shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to a NJDEP approved recycling facility which accepts this material for recycling.
21. Consumer Rechargeable NiCad and Small Sealed Lead Acid Batteries and Cell Phones. Items shall be collected at the following locations: Upper Township Municipal Building, Upper Township Community Center, Upper Township Public Works Yard, Upper Township Primary School, Upper Township Elementary School and the Upper Township Middle School.
22. Food Products from Commercial Sources. Items shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
23. Textiles. Clothes shall be collected at the following location: Upper Township Public Works Yard.
24. Hard Rigid Plastics. Items shall include plastic resin deck furniture, clean five (5) gallon or larger buckets or barrels, children's play sets and toys and similar material. Items shall be placed to the curb or roadside on bulk trash collection day or taken to the Cape May County Municipal Utilities Transfer Station in Burleigh.
- b. No items shall be placed at curbside for collection prior to 6:00 p.m. on the day immediately preceding the scheduled collection day.

- c. Whenever this Chapter requires recyclable items to be placed at the curb, no person shall place recyclable materials at any location other than curbside at the property owned or occupied by such person.

24-2.8 Special Obligations: Commercial and Multi-Family Units.

- a. The owner, operator, or manager of any commercial or multi-family premises which generates commingled recyclable and mixed paper materials shall comply with the following:
 - 1. Multi-family housing developments shall have a weekly pick-up.
 - 2. Facility shall provide a suitable central location on the premises for the storage of said materials.
 - 3. Containers shall be determined by the Township Department of Public Works depending upon the type of facility and efficiency concerns. The Township shall provide one ninety-six gallon container at Township cost for commercial properties. Additional or other containers for commercial properties are at the cost of the owner with such costs being set by resolution of the Township Committee if the additional containers are provided by the Township.
 - 4. The storage area must be designed so as to allow Township collection crews easy access to said materials and to prevent said materials from being scattered by the elements.
 - 5. There shall be no limitation as to the amount or quantity collected; however, the Township, in lieu of Township collection, reserves the right to reimburse the multi-family facilities for the reasonable cost of such collection by a private hauler as set forth in subsection 24-1.11e.
- b. Commercial properties or businesses that generate more than three (3 CY) cubic yards per week recycling shall contract with a private hauler to provide collection service. Said occupant shall provide the Township with a yearly statement of the amount of material recycled from said property in accordance with the rules, regulations and procedures established by the NJDEP Office of Recycling and the Township. Such report shall be submitted to the Township Recycling Coordinator by March 15th for the preceding calendar year. The occupant shall maintain records in said facility and shall produce same upon demand of the Recycling Coordinator of the Township of Upper or in the event of an audit by the NJDEP Office of Recycling.
- c. In compliance with P.L. 1993, c.81, there shall be included in any new multi-family housing development that requires subdivision or site plan approval or any nonresidential development greater than one thousand (1,000) square feet an indoor or outdoor recycling area for the collection and storage of recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the Municipal Recycling Coordinator, and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c.102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the Municipal Master Plan and Land Use Ordinances adopted by the Township.
- d. Automobile and truck service facilities and marine and equipment service facilities shall submit an annual report regarding the amounts of material recycled by said facility. Materials include, but are not limited to, used motor oil, scrap metal, automobile batteries, anti-freeze and used tires. All materials recycled shall be recycled in accordance with procedures established by the NJDEP and the Township of Upper. The annual report shall be submitted to the Township Recycling Coordinator by February 15th for the preceding calendar year. Such report shall include the NJDEP waste oil hauler identification number. The occupant shall maintain records in said facility and shall produce same upon demand of the Recycling Coordinator of the Township of Upper or in the event of an audit by the NJDEP Office of Recycling.
- e. All nonresidential facilities shall provide both litter and recycling receptacles at or near the entrance of the facility.

24-2.9 unchanged.

24-2.10 unchanged.

24-2.11 unchanged.

24-2.12 unchanged.

SECTION 2: EFFECTIVE DATE: This Ordinance shall take effect upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 24 of the Upper Township Code.

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **10th DAY OF MARCH, 2014** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **24th DAY OF MARCH, 2014** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: March 10, 2014

Publication: March 14, 2014

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: March 24, 2014

Final Adoption: March 24, 2014

Final Publication Date: March 27, 2014

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on March 24, _____, 2014 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on March 27 _____, 2014.


BARBARA L. YOUNG, Township Clerk