

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E**

**ORDINANCE NO. 014-2016**

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

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**WHEREAS**, the Township Committee desires to amend the ordinance regulating the collection of recyclable material at commercial properties; and

**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 24 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

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

Revise and replace the following in Section 24-2.8a and 24-2.8b:

- 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 pickup.
  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 (1) ninety-six (96) gallon container at no cost to the commercial properties. 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.
  4. 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 ninety-six (96) gallons per week recycling shall either:
  1. 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 of Upper or in the event of an audit by the NJDEP Office or Recycling; or
  2. Purchase, from the Township at a cost set by Township Resolution, a 3CY recycling container provided by the Township. The Township will service this container for free. Any repair needed to the container would be the responsibility of the business owner as the container must be kept in good working order. The area for the container must be accessible to the truck,

fenced and have a surface made of concrete or asphalt. This area must also be big enough to hold the container so it can be wheeled to the truck to be serviced.

**SECTION 2: EFFECTIVE DATE:** This ordinance shall take effect immediately 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 **11<sup>th</sup> DAY OF OCTOBER, 2016** 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 **7<sup>th</sup> DAY OF NOVEMBER, 2016** 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: October 11, 2016

Publication: October 14, 2016

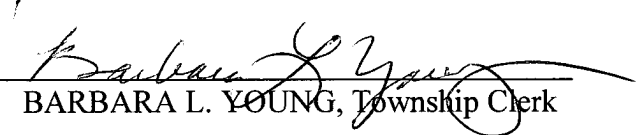
Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: November 7, 2016

Final Adoption: November 7, 2016

Final Publication Date: November 14, 2016

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on November 7, 2016 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on November 14, 2016.

  
BARBARA L. YOUNG, Township Clerk