

**BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY**

ORDINANCE NO. 659-2012

**AN ORDINANCE AMENDING CHAPTER 17 OF THE
CODE OF REVISED GENERAL ORDINANCES, 2000 RE:
SOLID WASTE COLLECTION AND DISPOSAL;
RECYCLING**

WHEREAS, Chapter 17 of the Code of Revised General Ordinances of the Borough of Avalon provides for the towing of abandoned vehicles in the Borough of Avalon; and

WHEREAS, the Borough Council has determined it to be in the best interests of the Borough to amend Chapter 17 of the Code of Revised General Ordinances of the Borough of Avalon to implement changes in the procedures for solid waste collection and recycling.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council, in the Borough of Avalon, County of Cape May and State of New Jersey, as follows:

SECTION 1: Chapter 17 of the Code of Revised General Ordinances of the Borough of Avalon is amended to provide as follows:

17:1 MANDATORY RECYCLING OF SOLID WASTE
[Adopted 4-28-88 by Ord. No. 254-88]

17:1-1 DEFINITIONS
[Amended 6-24-92 by Ord. No. 345-1992]

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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| Debris | Stones, dirt, root balls, demolition material, construction materials and waste, broken concrete and other like material. |
| Film Plastic | Boat shrink wrap, greenhouse plastic, and other pre-approved film plastics. |
| Garbage | Putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food. |
| Grass Clippings, Brush and Related Materials | Cut grass, leaves, brush, branches, small trees and Leaves, bushes (excluding root balls). |
| Leaves | Clean leaves, exclusive of such debris as brush, branches, small trees and bushes. |
| Metal | All food containers made of metal, including tin cans, bi-metal cans, and aluminum cans, as well as lawn chairs, screen frames, washers, dryers, refrigerators, stoves, hot water heaters, and other white goods. |
| Mixed Paper | All uncontaminated paper material including used newspaper, magazines, advertising circulars, office paper, wrapping paper, brown bags, corrugated, discarded letters and envelopes. |
| Mixed Rigid Plastics | Plastic buckers with to without metal handles (empty), plastic milk/soda crates, plastic laundry baskets, plastic lawn furniture, plastic landscape and microwave trays, plastic totes - any size (with metal), plastic drums (any size), plastic toys & playhouses, children's toys, plastic pet carriers, plastic pallets, plastic coolers, plastic shelving, plastic closet organizers, plastic dish drainers, plastic flower pots (no soil), plastic traffic signs, empty garbage cans (any size), CD's & DVD's (and cases), VHS tapes, |

blister pack, computer housing (no circuits), HDPE pipe (cut to less than 3 foot lengths), automotive plastics, bed liners (pick-up trucks), car bumpers

Recyclable

Cans and Bottles Commingled glass bottles and jars, aluminum cans, steel (tin) cans including empty aerosol cans, plastic bottles, jars and jugs with a □, □, □, □, □, □, or □ imprinted on bottom of the container

Trash Ashes, plastic material, ceramics, blue and flat glass, nonputrescible solid waste, contaminated paper, and other similar materials.

17:1-2 MANDATORY PROGRAM ESTABLISHED; EXPANSION OF PROGRAM

[Amended 6-24-92 by Ord. No. 345-1992]

There is hereby established a program for the mandatory separation of newspaper, aluminum, leaves and grass clippings from garbage, trash, film plastic, mixed rigid plastics, and recyclable cans and bottles within the Borough of Avalon. Such program may be expanded from time to time in accordance with this Chapter to include mandatory separation of additional items for recycling purposes.

17:1-2.1 RULES AND REGULATIONS

The Borough Council may, by Resolution, adopt rules and regulations for the implementation of this mandatory recycling program within the Borough of Avalon.

17:1-3 SEPARATION AND PLACING FOR REMOVAL; CONTAINERS

[Amended 3-27-91 by Ord. No. 324-1991; 327-91; 328-91; 6-24-92 by Ord. No. 345-1992, 1-24-07 by Ord. No. 578-2006]

The occupant or owner of any building within the Borough of Avalon who shall place for disposal, removal or collection the following named items shall do so in strict conformity with the following requirements:

- Mixed paper shall be stacked in brown grocery bags (not secured with string) not to exceed thirty-five (35) pounds. (NOTE: A one (1) foot stack, tightly bundled, equals approximately thirty-five (35) pounds.)
- Each owner or occupant is required to supply/ utilize a metal or plastic container for the collection and recycling of commingled glass and aluminum food and beverage containers, which container shall have a capacity no greater than thirty-five (35) gallons and a total weight not to exceed fifty (50) pounds each. Such container shall be plainly labeled with the address and unit number, if applicable, of the property to which it belongs. All required markings shall be permanently affixed by paint, indelible marker, adhesive or otherwise and shall measure not less than two (2") inches in height. Failure of an owner or occupant to supply/utilize containers as herein specified shall subject the owner and/or occupant to the penalties provided herein. Plastic trash bags may not be used.
- Garbage and trash shall be placed in metal or heavy duty plastic containers, secured by a lid, which containers shall have a capacity no greater than thirty-five (35) gallons and a total weight not to exceed fifty (50) pounds each. Such container shall be plainly labeled with the address and unit number, if applicable, of the property to which it belongs. All required markings shall be permanently affixed by paint, indelible marker, adhesive or otherwise and shall measure not less than two (2") inches in height. Failure of an owner or occupant to supply/utilize containers as herein specified shall subject the owner and/or occupant to the penalties provided herein. Plastic trash bags may not be used unless placed in a metal or plastic container as specified herein.
- Multi-family residences, condominiums, and townhouse complexes may be required to provide a rear loading dumpster for the collection of recyclable materials. Such determination shall be made pursuant to section 17:1-2.1 of this Chapter.
- Large items (bulky type 13), such as furniture, rugs, and mattresses shall be placed at curbside no sooner than seventy-two (72) hours prior to the announced

Borough-wide bulk trash pick-up period(s) normally scheduled for May and October.

- White goods, including refrigerators, stoves, washers and dryers, shall be placed at curbside on the day specially designated for such collection and at no other time, and will be picked up upon receipt of telephone notice from the property owner or tenant. The day or days designated for collection of white goods shall be determined in accordance with this Chapter.
- Computers, televisions, and other household electronics shall be placed curbside and will be picked up upon receipt of telephone notice from the property owner or tenant. These items shall be picked up on Fridays only.
- Leaves shall be placed at curbside, in recyclable or reusable containers, on the day designated for collection.
- The containers required by this Chapter shall be labeled and identifiable as containing recyclable materials. For purposes of complying with this section, it shall be sufficient for an owner or occupant to securely affix to such containers identifying labels supplied by the Cape May County Municipal Utilities Authority in conjunction with its County wide recycling program. Such containers shall also be marked with the property address and, if applicable, the unit number thereof as specified herein.
- Cut grass shall be placed curbside in reusable containers clearly labeled as such on the day designated for collection.

17:1-3.1 TIRES

Tires are the responsibility of the owner or occupant of the property for disposal and will not be picked up by the Borough.

17:1-3.2 DEBRIS

Debris discarded by a property owner or contractor will not be picked up by the Borough and the property owner or contractor shall arrange for the proper disposal of such materials.

17:2 COLLECTION

[Amended 6-24-92 by Ord. No. 345-1992, 1-24-07 by Ord. No. 578-2006]

The collection, removal and disposal/recycling of mixed paper, metals, leaves, garbage, trash, film plastic, mixed rigid plastics, and recyclable cans and bottles, and large objects, shall be supervised by the Business Administrator or his designee, who shall have the power to establish the time and method and routes of service, as well as the recyclability of such items. Special times for white goods pick-up shall be established.

17:2-1 RECEPTACLE REQUIREMENTS

All receptacles required by any provision of this Chapter 17 shall be supplied by the occupant or owner of the premises and placed at curbside no later than 7:00 a.m. on trash pick up days, where they shall be readily accessible to the collector. The maximum number of containers containing garbage, trash, or film plastic, mixed rigid plastics, and recyclable cans and bottles placed at curbside per residential or commercial property, or per unit in the case of a multi-unit residential property, is five (5). There is no limit on the number of recycling containers that may be placed at curbside each collection day. The occupant or owner shall keep all receptacles clean and in condition for safe handling.

17:2-2 COLLECTION BY UNAUTHORIZED PERSON

From the time of placement at the curb by anyone of the categories described herein for collection by the Borough of Avalon in accordance with the terms hereof, items shall be and become the property of the Borough of Avalon or its authorized agent. It shall be a violation of this chapter for any person unauthorized by the Borough of Avalon to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one (1) or more residences shall constitute a separate and distinct offense punishable as hereinafter provided.

17:2-3 COMMERCIAL BUILDINGS

[Amended 3-27-91 by Ord. No. 324-1991; 6-24-92 by Ord. No. 345-1992, 1-24-07 by Ord. No. 578-2006]

The owner or occupant of any building used for commercial purposes within the Borough of Avalon shall place for collection the following named items and shall do so in strict conformity with the following requirements:

17:2-3.1

Mixed paper shall be stacked in brown grocery bags (not secured with string) not to exceed thirty-five (35) pounds. (NOTE: A one (1) foot stack, tightly bundled, equals approximately (35) pounds.)

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3: 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 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication and in the manner prescribed by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on July 11, 2012. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 25th day of July, 2012 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 7:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

AMY W. KLEUSKENS
Borough Clerk