

## **CITY OF ABSECON**

### **ORDINANCE 16-2021**

#### **AN ORDINANCE OF THE CITY OF ABSECON REPEALING AND REPLACING CHAPTER 300 – SOLID WASTE, ARTICLE III – RECYCLING, SECTIONS 33-50**

**NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY** that Chapter 300 – Solid Waste, Article III – Recycling, Sections 33-50 be amended to as follows:

##### **§ 300-33 Short title.**

[1997 Code § 300-33]

This Article shall be known and may be cited as the "Recycling Regulations of the City of Absecon City."

##### **§ 300-34 Definitions.**

The words, terms and phrases used in this article shall have the following meanings:

##### **COMMERCIAL ESTABLISHMENTS**

Those properties used primarily for commercial purposes and those multiple-dwelling residential buildings containing three or more dwelling units.

##### **INSTITUTIONAL ESTABLISHMENTS**

Those facilities that house or serve groups of people, including, but not limited to, hospitals, schools, nursing homes, libraries and governmental offices.

##### **PERSON**

Every owner, lessee and occupant of a residence or commercial or institutional establishment within the boundaries of Absecon City.

##### **RECYCLABLE MATERIALS**

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 materials that will be collected by the Atlantic County Utilities Authority.

##### **RESIDENCE**

Any occupied single-family or multifamily dwelling having up to four dwelling units per structure from which a municipal or private hauler collects solid waste.

##### **§ 300-35 Establishment of program.**

There is hereby established a mandatory program for the separation and collection of the recyclable materials from the municipal solid waste stream by all persons within the City of Absecon City (hereinafter "municipality") through the Atlantic County Utilities Authority (ACUA).

##### **A. Recycling Containers**

It shall be the responsibility of the owner or occupant of each premises provided with municipal recycling collection to use the primary container provided by the City. Containers provided are the property of the City and cannot be sold, disposed of, donated, or given to another property, for example. Containers obtained elsewhere can only be used for additional recycling provided that they have attached or secured lids and are labeled accordingly.

## **B. Replacement of Recycling Containers**

It shall be the responsibility of the owner or occupant of each premises provided with municipal recycling collection or new owner or occupant to replace the primary container provided, should they no longer have that container with property, by purchasing same container from the City of Absecon. All violations and penalties apply.

## **C. Violations and Penalties**

Any person, persons or corporation who shall violate this article shall, upon conviction thereof, be subject to a fine of \$200.00.

All materials are defined in the Atlantic County Solid Waste Management Plan and amendments.

## **§ 300-36 Separation and placement for disposal.**

A. The recyclable materials designated by the Atlantic County Solid Waste Management Plan and amendments shall be placed at the curb.

B. Commercial and institutional establishments may contract with a private hauler to collect recyclable materials or make arrangements with the Atlantic County Utilities Authority for regular pickup. Documentation for each year's recyclables must be submitted to the Recycling Coordinator by the private hauler no later than February 1 of the following calendar year for the prior year's annual reporting.

C. The owner or manager of a condominium or homeowners' association, multifamily residence or commercial or institutional establishment within the City shall provide and maintain, in a neat and sanitary condition, a recycling area, displaying permanent instructional signage, to receive all designated recyclables generated by the occupants of the facility. All such areas and signage shall be reviewed and approved by the Public Works Committee.

D. Each owner or occupier of premises in the City of Absecon placing recyclable materials in or on any public area for collection is prohibited from placing such materials in or on any public area more than 12 hours prior to the day(s) designated for collection as designated by the Committee or as designated by the appropriate authority and/or agency. Each owner or occupier of premises in the City of Absecon placing any materials in any public area for collection shall remove all such materials and any containers from the public area(s) not later than 12 hours subsequent to the date designated for collection by the Committee or as designated by the appropriate authority and/or agency. Any person, firm, or corporation which violates any of the provisions of this section or any regulations promulgated pursuant thereto shall be subject to a fine of \$200.00, with each day for which any such violation shall persist to be considered an additional violation.

E. All containers must be stored on side or rear of the premises, except for corner properties which shall be stored behind the rear building line opposite the principle front yard.

## **§ 300-37 Leaves.**

A. All residents within the municipality shall, for a period designated for curbside leaf collection in the fall and spring of each year, 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 for collection at such times and dates and in the manner established by the municipality's regulations. Biodegradable leaf bags may be used in the manner established by the municipality's recycling regulations as an alternative to loose leaves placed at the curb.

B. Commercial lawn services shall not use the City curbside collection or yard waste collection for the disposal of leaves or grass.

#### **§ 300-38 Alternative collections.**

[1997 Code § 300-38]

Any person may donate or sell recyclable materials to individuals or organizations organized by the City 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 set forth in the City's recycling regulations. The individuals or organizations shall not collect recycling materials on or within the 24 hours immediately preceding a regularly scheduled curbside collection day and shall, prior to February 1 of each year, provide written documentation to the City of the total amount of material recycled during the preceding year.

#### **§ 300-39 Collection by unauthorized persons.**

[1997 Code § 300-39]

It shall be a violation of this article 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 the Atlantic County Solid Waste Management Plan and amendments. Each such collection in violation of this Article shall constitute a separate and distinct offense punishable as hereinafter provided.

#### **§ 300-40 Enforcement and administration.**

[1997 Code § 300-40]

The Municipal Council is hereby authorized to establish and promulgate reasonable regulations to be adopted by resolution detailing the manner, days and times for the collection of the recyclable materials designated in the Atlantic County Solid Waste Management Plan and amendments.

The position of the Municipal Recycling Coordinator, as per N.J.S.A. 13:1E-99, is hereby established and will be held by the person who shall be appointed by resolution of the Municipal Council.

#### **§ 300-41 Recycling Enforcement Official.**

[1997 Code § 300-41]

The duties and responsibilities of the Recycling Enforcement Official shall be:

- A. To serve as the Municipal Recycling Coordinator.
- B. To inspect solid waste throughout the City to monitor compliance with this Article, and to issue warnings and summonses as appropriate.
- C. To generate and submit all solid waste reports.

**§ 300-42 Reporting by private haulers.**

[1997 Code § 300-42]

Private haulers of solid waste within the City must report to the Recycling Coordinator the tonnage figures for all recyclable materials collected in the City of Absecon City not less frequently than monthly. The reports must contain the point of origin for all recyclable materials and must be accompanied by copies of all weight tickets provided by the recipient of the recyclable materials, whether that recipient shall be a private recycling firm or the Atlantic County Utilities Authority Recycling Center.

**§ 300-43 Violations and penalties.**

- A. Any person, firm or corporation violating any provision of this Article or any regulation adopted hereunder shall be subject to a fine of \$200.00. Each and every day in which a violation of any of the provisions of this Article exists shall constitute a separate offense.
- B. Any person, firm or corporation placing nonrecyclable materials in a recycling container be subject to a fine of \$200.00.

**§ 300-44 Multifamily residences; report required.**

[1997 Code § 300-44]

The owners or managers of all multifamily residences who contract with private haulers for the collection of recyclables designated in the Atlantic County Solid Waste Management Plan and amendments shall submit written documentation to the City by February 1 of each calendar year reporting for the prior calendar year the amounts of recyclables collected.


**§ 300-45 through § 300-50. (Reserved)**

**BE IT FURTHER ORDAINED** that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

**Dated: September 16<sup>th</sup>, 2021**

**SIGNED:**

  
Kimberly Horton, Mayor

**ATTEST:**

  
Carie A. Crone, RMC, Municipal Clerk

**Passed on first reading at a regular meeting of the Municipal Council held on September 2<sup>nd</sup>, 2021. Laid over and advertised for public hearing and final adoption on September 16<sup>th</sup>, 2021. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on September 16<sup>th</sup>, 2021.**