

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1539 (2013)

**AN ORDINANCE AMENDING CHAPTER 18 SECTION 1 OF THE
REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY
ENTITLED “RECYCLING PROGRAM” TO ESTABLISH A SINGLE
SOURCE SEPARATION AND RECYCLING POLICY AND AMENDING
OTHER ORDINANCES TO MAKE THIS ORDINANCE EFFECTIVE**

WHEREAS, the New Jersey Statewide Mandatory Source Separation and Recycling Act establishes a goal of 50% reduction of Municipal Solid Waste and a 60% reduction of all solid waste through source separation and recycling by residential, commercial and institutional establishments in all New Jersey municipalities; and

WHEREAS, the Cape May County Solid Waste Management Plan designates the lists of mandatory and recommended recyclables to be source separated for recycling in all sectors of the community; and

WHEREAS, the City of Sea Isle City will move to a single source stream recycling material system; and

WHEREAS, the City of Sea Isle City shall require all plastic containers, steel(tin) cans, aluminum cans, glass, cardboard, magazines, news and other paper to be placed in one recycling container; and

WHEREAS, recycling will reduce the municipality’s expense of solid waste disposal, conserve energy and valuable resources, extend the life of Cape May County's only landfill and has the potential to produce revenues from the sale of such recyclable materials.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 18 Section 1.1 of the Revised General Ordinances of the City of Sea Isle City, entitled “Purpose” is hereby amended to delete the existing section in its entirety and replace this section as follows:

18-1.1 Purpose and Establishment of Recycling Program.

a. Purpose.

The New Jersey Mandatory Source Separation and Recycling Act mandates the separation, collection and disposition of recyclable materials.

The cost of solid waste disposal is ever increasing and convenient landfill facilities are rapidly decreasing.

The reduction of the amount of solid waste to be disposed of will reduce the cost of landfill disposal fees and extend the life of the landfill, and, at the same time, the separation, collection and disposition of recyclable materials will reduce the financial burden of solid waste disposal.

b. Establishment of Recycling Program.

1. Mandatory Recycling

a. It shall be mandatory for all persons who are owners, lessees, tenants or occupants of residential and nonresidential premises, including but not limited to retail and commercial locations, government, schools and other institutional locations within Sea Isle City, to separate designated recyclable materials from all solid waste and trash.

b. The owner of each property shall be responsible for compliance with this Ordinance. For multifamily units, including but not limited to condominium complexes and seasonal hotel/motels and guest houses, the management or owner is responsible for setting up and maintaining the recycling system, including collection of Designated Recyclable Materials, except for those Designated Recyclable Materials for which municipal collection service is provided to multifamily units. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding recycling requirements to all new tenants when they arrive and with a reminder a minimum of every 6 months during their occupancy.

2. Commercial and Institutional Establishments.

a. All commercial, business or industrial facilities shall be required to comply with the provisions of this section.

b. The arrangement for collection of all categories of designated mandatory recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, except for those specific designated recyclable materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees, or the public shall provide litter and recycling receptacles. These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.

c. Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at their premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the premises by a hauler, recycler or paper shredder, the quantity and final disposition of the material is to be reported on the form.

d. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any Code Enforcement Officer.

3. Recovery of Construction, Renovation and Demolition Debris.

a. For all activities that require municipal approval such as construction, demolition or public event permits, a designated recyclable materials plan shall be filed along with all other required permit conditions. The plan shall include provisions for the recovery of all designated recyclable materials generated during construction, renovation and demolition activities, as well as, public events.

b. The Business Administrator or a designee thereof shall review the information submitted pursuant to this section and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein.

c. The determination regarding compliance will be provided to the Sea Isle City Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Business Administrator or a designee thereof shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this section for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

4. Solid Waste Collector Responsibility.

a. It shall be unlawful for solid waste collectors to collect solid waste or trash that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indication that the container of solid waste contains designated Recyclable Materials.

b. It shall be unlawful for any person to collect or pick up any item outlined herein without the specific authorization of the City of Sea Isle City. Any unauthorized person who picks up or attempts to pick up recyclable items as defined herein shall violate this section.

SECTION II. Chapter 18 Section 1.2 of the Revised General Ordinances of the City of Sea Isle City, entitled “Definitions” is hereby amended to delete the following definitions from alphabetical order in their entirety and add the following definitions in alphabetical order in their entirety as follows.

18-1.2 Definitions.

Anti-freeze – Used antifreeze generated from automobiles, trucks and other vehicles/sources; and

Asphalt and Concrete – Asphalt and concrete materials from construction and demolition projects.

Auto and Truck Bodies – All junk automobiles, trucks and parts.

Batteries - Lead Acid Batteries – Used SLA (sealed lead acid) batteries generated from motor vehicles, aviation and marine equipment.

Brush, Tree Branches and Stumps – All parts of vegetative growth from trees, and vegetative materials generated during land clearing.

Christmas Trees – Free of decorations, tree stands and plastic bags.

Commercial Cooking Grease – Grease and oil generated from food preparation by commercial sources only.

Computers and Consumer Electronics – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines, cathode ray tubes, cathode ray tube devices, flat panel displays or similar video display devices with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards including, but not limited to, televisions and cell phones. Also includes VCR’s, radios and landline telephones.

Consumer Rechargeable NiCad (Nickel-Cadmium) and Small Sealed Lead Acid Batteries – Small sealed batteries generated from use of electronic equipment.

Contaminated Soil – If classified as ID27, all fuel contaminated soil, dewatered soil, and stone from septic beds and similar materials which are allowed to be recycled in accordance with the regulations of the New Jersey Department of Environmental Protection.

Designated Recyclable Materials - means those materials designated within the Cape May County Solid Waste Management Plan to be Source Separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. The recycling of these materials is **mandatory**; they cannot be disposed of as solid waste. The Source Separated Recyclable Materials that are mandated for recycling are organized into the following two categories, which include but are not limited to:

Ferrous and Non-Ferrous Scrap – Metals, such as copper, iron, sheet metal, aluminum, radiators, structural steel, metal pipe and “white goods” including, but not limited to, appliances containing “CFC’s” or Freon.

Glass, Food and Beverage Containers – Clear, green and brown food and beverage bottles and jars, excluding however, blue bottles, window glass and light bulbs. All food and liquid residue shall be removed from containers.

Grass - Lawn grass clippings.

Hazardous Substances – Are substances that are considered severely harmful to human health and the environment including, by not limited to, gasoline, kerosene, antifreeze, oil, auto batteries, chemical pesticides, oil based paint and paint thinner.

Leaves – Comprised mainly of tree and plant leaves and not contaminated with brush or other material

Metal Food and Beverage Containers – Aluminum and steel food and beverage containers 5 gallons or less in size, including empty aerosol cans. No paint cans. All food and liquid residue shall be removed from containers.

Motor Oil / Kerosene / # 2 Heating Oil - Crank-case oil and similar oils, kerosene fuel and #2 home heating oil which are used to fuel heating equipment.

Municipal Recycling Coordinator - means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded. The New Jersey Mandatory Source Separation and Recycling Act requires that each municipality appoint at least one individual as Municipal Recycling Coordinator who has successfully completed all requirements mandated by the State of New Jersey to be designated as a New Jersey Certified Recycling Professional.

Municipal Solid Waste (MSW) Stream - means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the City of Sea Isle City.

NJDEP - means the New Jersey Department of Environmental Protection;

Paper Products – Newspaper with inserts, magazines, office paper, junk mail including shredded paper, telephone and paperback books, corrugated cardboard, brown paper bags, non-foil wrapping paper, and chipboard packaging including but not limited to dry food boxes (cereal, rice, pasta, cookie and cracker), gift, shoe and tissue boxes, powdered detergent boxes, paper towel rolls, clean pizza boxes (no food debris) and cardboard beverage carriers. Remove and throw away all liner bags, food contaminated paper and waxed-coated cardboard boxes. Shredded paper may be placed in a clear plastic bag.

Plastic Containers – Plastic containers imprinted with a ♻️ (PETE), ♻️ (HDPE), ♻️ (PVC), ♻️ (LDPE), ♻️ (PP), ♻️ (PS) or ♻️ (Other) on the bottom, 5 gallons or less in size, including bottles, jugs, jars and other rigid plastic containers. Plastic containers from food, beverage, health, beauty and cleaning products are included. Examples include, but are not limited to; margarine tubs, microwave trays, yogurt containers, plastic buckets and landscape pots. No Styrofoam packaging. No polystyrene egg cartons. No beverage cups. No PVC pipe. No plastic film. No plastics which contained chemicals or hazardous products, such as motor oil or pesticide containers. All food and liquid residue shall be removed from containers.

Propane Tanks – Empty 20 to 30 lb. BBQ type tanks.

Used Oil Filters – Used filters that are generated from changing crankcase oil in automobiles, trucks and other vehicles.

Recommended Recyclable Materials – means those materials recommended within the Cape May County Solid Waste Management Plan to be Source Separated for the purpose of recycling by residential, commercial, institutional and industrial sectors.

Recyclable or Recyclable Material - means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

Source Separation - means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

Source Separated Recyclable Materials - means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

Tires – Worn truck and passenger car tires.

Wood Pallets and Crates – Clean untreated, unpainted pallets and crates only.

SECTION II. Chapter 18 Section 1.3 of the Revised General Ordinances of the City of Sea Isle City, entitled “Program Established” is hereby amended to delete the existing section in its entirety and replace this section as follows:

18-1.3 Designated Recyclable Materials To Be Set Out At Curbside – Single Stream Recyclable Materials.

a. The following Source Separated Recyclable Materials shall be mixed together and set out at curbside for collection; this set out and collection system shall be known as “Single Stream Collection”. The following items are included as “Single Stream Recyclable Materials”:

1. Commingle Products.
2. Paper Products.
3. Glass, Food and Beverage Containers.
4. Metal Food and Beverage Containers.
5. Plastic Containers.

b. It is the responsibility of the property owner to provide adequate size and number of containers for the placement of recyclables for curbside collection as follows: Single Stream Recyclable Materials as defined in section 1.3a of this Chapter shall be mixed together in one container. More than one container may be used for Single Stream Recyclable Materials; however, each container used shall be marked or labeled to identify its contents as Single Stream Recyclable Materials. All set out containers which contain Single Stream Recyclable Materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians.

SECTION III. Chapter 18 Section 1.4 of the Revised General Ordinances of the City of Sea Isle City, entitled “Separation and Placing for Removal” is hereby amended to delete the existing section in its entirety and replace this section as follows:

DELETED SECTION:

18-1.4 Separation and Placing for Removal.

The disposition and collection of source separated recyclable materials shall be in the manner prescribed below.

a. It is the responsibility of the property owner(s) to provide adequate size and number of containers for the separate placement of recyclables for curbside collection as follows:

1. Paper Products. Paper products may be commingled in one (1) or more of the following: green container, clearly marked container or brown paper bags. Plastic bags shall not be used for curbside collection of paper products;

2. Glass, Metal and Plastic. Glass food and beverage containers, metal food and beverage containers, and plastic bottles and jugs may be commingled in one (1) or more of the following: Blue or clearly marked container with a lid.

3. Placement of Containers/Receptacles. All containers and brown paper bags containing source recyclable material, as noted above, shall be placed between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger to the public. Receptacles shall be readily accessible to the collector of the premises.

b. The following materials must be source separated and recycled through the municipal program as per the schedule set by the Business Administrator or a designee thereof, or as accepted at the drop off area at the Sea Isle City Public Works Department:

1. Paper Products.
2. Commingled Products.

3. Leaves and Grass.
4. Christmas Trees.
5. Brush and Tree Branches.
6. White Goods.
7. Ferrous and Nonferrous Scrap.
8. Electronics.

c. The following materials shall not be collected by the City and must be source separated and recycled by the generator at authorized CMCMUA recycling facilities or any NJDEP approved recycling center in accordance with applicable law:

1. Kerosene and #2 Heating Oil.
2. Used Motor Oil.
3. Automotive Batteries.
4. Tires.
5. Antifreeze.
6. Propane Tanks.
7. Wood Pallets, Crates and Tree Stumps.
8. Motor Oil Filters.
9. Asphalt and Concrete. Asphalt and concrete shall be transported to an approved NJDEP Class "B" recycling facility.
10. Auto and Truck Bodies.
11. Clean Fill.
12. Contaminated Soil.
13. Paint, Oil Based Stain, Varnish, etc.
14. Cooking Grease.
15. Rechargeable Batteries* and Cell Phones.

18-1.4 Designated Recyclable Material Not Single Stream Recyclable Materials.

The collection of Source Separated Recyclable Materials shall be in the manner prescribed as follows:

a. The following materials must be source separated and recycled through the municipal program as per the schedule set by the Business Administrator or a designee thereof, or as accepted at the drop off area at the Sea Isle City Public Works Department. No materials shall be mixed together unless they are designated as Single Stream recyclable Material” as defined in section 1.3a and herein. All other materials that are recyclable and are eligible to be picked up by the City shall be separated.

1. Leaves and Grass
2. Christmas Trees.
3. Brush, Tree Branches.
4. White Goods.
5. Ferrous and Nonferrous Scrap.
6. Computers and Consumer Electronics.

b. The following materials shall not be collected by the City and must be source separated and recycled by the generator at authorized CMCMUA recycling facilities or any NJDEP approved recycling center in accordance with applicable law:

1. Kerosene and #2 Heating Oil.
2. Used Motor Oil and Filters.
3. Batteries and Lead Acid Batteries – including but not limited to, consumer rechargeable NiCad, small sealed lead acid batteries, and cell phone batteries.
4. Tires.
5. Antifreeze.
6. Propane Tanks.
7. Wood Pallets, Crates and Tree Stumps.
8. Used Motor Oil Filters.
9. Asphalt and Concrete. Asphalt and concrete shall be transported to an approved NJDEP Class "B" recycling facility.
10. Auto and Truck Bodies.
11. Clean Fill.
12. Contaminated Soil.
13. Paint, Oil Based Stain, Varnish, etc.
14. Cooking Grease.
15. Any Hazardous Substances.

SECTION IV. Chapter 18 Section 1.6 of the Revised General Ordinances of the City of Sea Isle City, entitled “Receptacle Requirements” is hereby amended to delete the existing section in its entirety and replace it as follows:

18-1.6 General Requirements.

a. *Condition of Containers/Receptacles.* The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition.

b. *Time of Placement and Removal.* Receptacles or other items to be disposed of shall be placed outside after 6:00 p.m. of the day immediately preceding the day of collection. After collection, any empty containers shall be removed from curbside promptly but no later than 6:00 p.m. of the day of collection.

c. *Size of Container/Receptacle.* The receptacle size shall not be less than four (4) gallons nor more than thirty-five (35) gallons, and weight when filled to capacity shall not exceed fifty (50) pounds. The use of plastic bags as receptacles for source separated recyclables shall be a violation of this section.

d. *Number of Containers/Receptacles.* For every improved structure with one (1) to four (4) bedrooms, three (3) or more recycling containers shall be provided by the owner, occupant or proprietor at each location. For nine (9) or more occupants, four (4) or more recycling containers shall be provided by the owner, occupant or proprietor at each location. For every improved structure with five (5) or more bedrooms, three (3) or more recycling containers shall be provided by the owner, occupant or proprietor at each location.

e. *Label of Container/Receptacle.* Each recycling receptacle shall contain the address of the Sea Isle City property to which the recycling container belongs in letters or numbers of at least three (3) inches in height. Each container shall also be labeled to identify its contents as Single Stream Recyclable Materials.

f. *Complete Disposal.* Any person employed in making collections or disposing of recyclable materials, whether a contractor of the City of Sea Isle City or otherwise, shall cause recycling receptacles to be entirely emptied of their contents and any contents falling on the ground shall be immediately picked up and removed by employee.

g. *Dumpster Requirements.* A dumpster will be required where the patron exceeds ten (10) receptacles for recycling pick-up. Dumpsters shall not be vented and shall be enclosed so that the

contents are not visible. Dumpsters shall be placed on concrete pads and situated out of the public right-of-way but within access to a suitable ramp so that regular collection is not prohibited. Each dumpster shall fit within the overall unit's design and shall be buffered from principal structures, parking facilities and pedestrian and vehicular roadways. The City will not be held responsible for collection of recycling in broken dumpsters. After the dumpster is repaired, recycling will be picked up on the next regular recycling day or taken to the landfill by the owner.

h. *Condition of Use for Dumpsters.* The property owner, as a condition of service and in consideration of the City providing solid waste removal, shall hold the City harmless for any damage to the dumpster or other property in order to obtain access to the dumpster as determined by the Business Administrator or a designee thereof.

i. *Dumpsters for Condominiums.* In addition to paragraph f., directly above, there shall be at least one (1) dumpster with the capacity of a maximum of two (2) yards for each condominium complex of three (3) to six (6) units. For each condominium complex of more than six (6) units the size of the dumpster shall be determined by the Business Administrator or a designee thereof.

SECTION V. Chapter 18 Section 1.8 of the Revised General Ordinances of the City of Sea Isle City, entitled "Application, Violation, Penalty and Enforcement" is hereby amended to delete the existing section in its entirety and replace it as follows:

18-1.8 Enforcement, Violation and Penalty.

a. *Warnings, Violations, Penalties and Denials of Approval.* The issuance of discretionary warnings, violations, penalties and denials of approval shall be determined by the Business Administrator or a designee thereof, and shall be made in consideration of the requirements of the Code pertaining to recycling and trash; the threat to the public health, safety and general welfare; frequency of violations (when applicable); ability to identify violator (when applicable); and the actual or potential damage to surrounding areas in which the violation(s) or proposed action is located.

b. *Separate Offenses.* The continuation of any violation for each successive day shall constitute a separate offense.

c. *Enforcement Officer and Penalties.* The Business Administrator or a designee thereof is the enforcement officer of this section. Any person, firm or corporation that violates any of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5 and/or two (2) weeks community service work assisting with the municipal recycling program and the Department of Public Works.

d. *Right to Inspect.* The Business Administrator or a designee thereof is/are hereby individually and severally empowered to enforce all provisions herein to benefit the City in waste management and recycling. The enforcers of this section may conduct an inspection at the site of the generator, which consists of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any designated recyclable material.

e. *County Secondary Enforcement.* Additionally, the Cape May County Health Department (CMCHD) shall be empowered to enforce the provisions herein. The municipality shall retain primary enforcement responsibility with the CMCHD serving in a secondary enforcement role which includes inspection of commercial establishments with proof of prior law enforcement actions provided by the municipality.

SECTION VI. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.


SECTION VII. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION VIII. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.


William Kehner, Council President


Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 19th day of March, 2013 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 9th day of April, 2013, in the Council Chambers, Sea Isle City Public School, 4501 Park Road, Sea Isle City, New Jersey at 10:00 a.m.


Cindy L. Griffith, Municipal Clerk