

ORDINANCE 2023-02

**AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING CHAPTER 17 OF THE BOROUGH CODE
ENTITLED – SOLID WASTE MANAGEMENT**

Chapter 17 of the Borough Code is hereby vacated and replaced with the following:

Chapter 17. Solid Waste Management

17-1. COLLECTION OF GARBAGE AND REFUSE.

17-1.1. Regulations Governing Preparation for Collection.

The following regulations shall control the preparation of garbage to be collected by this Borough.

a.

The Borough shall provide each to each residential property one (1) garbage receptacle to allow for the collection of household garbage. Each residential property owner shall have the option of paying for the use of a second garbage receptacle from the Borough at a cost to be set by Resolution by the Mayor and Council. All Borough provided garbage receptacles are assigned to properties within the Borough and in all cases remain the property of the Borough.

b.

All garbage for collection shall be placed in the garbage receptacle provided by the Borough. Garbage which is not placed in the receptacle provided by the Borough will not be collected. The container shall be kept in a serviceable condition at all times. On the days designated by the Borough for garbage collection, the garbage receptacle shall be placed for collection just outside of the curb with the Borough Seal and the metal bar facing the street.

c.

If any garbage receptacle is upset or overturned, the property owner, tenant or other person placing garbage for municipal collection, shall promptly clean up spilled garbage and return it to the garbage receptacle.

d.

All garbage receptacles shall be placed just outside the curb not earlier than 4:00 p.m. on the day preceding collection and no later than 6:00 a.m. on the day of collection, and the cans removed not later than 9:00 p.m. of the day of collection.

e.

Non-metal bulk garbage items shall be collected by appointment once per month by the Borough on a schedule to be set by the Director of Public Works and approved by the Mayor and Council. On each non-metal bulk garbage collection day, each residential property shall be permitted to have two (2) bulk items picked up by the Borough.

17-1.2. Failure to Follow Regulations.

If the foregoing regulations are not followed by the property owner, tenant or other person desiring municipal collection, the municipality and/or its contractor(s) shall not be obliged to make collection of the item(s) placed for collection.

17-1.3. Eligibility for Collection.

Residences, as defined in Borough Code 17-2.1, Definitions, shall be eligible for the collection of garbage and non-metal bulk garbage items.

17-2. RECYCLING

This section shall be known and may be cited as the Recycling Regulations of the Borough of Island Heights.

17-2.1. Definitions.

As used in this section:

ALUMINUM CANS

All empty aluminum beverage and food containers.

COMMERCIAL ESTABLISHMENTS

Those properties used primarily for commercial purposes, including, but not limited to, boat clubs, houses of worship, marinas, professional offices, repair shops, restaurants, and retail stores.

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the Ocean County District Solid Waste Management Plan to be source separated for the purpose of recycling.

ELECTRONIC WASTE

A computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device including televisions and cell phones.

FERROUS CONTAINERS

Empty steel or tin food or beverage containers.

GLASS CONTAINERS

Bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products.

INSTITUTIONAL ESTABLISHMENTS

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

MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the municipal Governing Body and who shall be authorized to, among other things, enforce the provisions of this section, and any rules and regulations which may be promulgated hereunder.

NEWSPAPERS

Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled. Newspapers shall be deemed soiled if they have been exposed to substances or conditions rendering them unusable for recycling.

RECYCLABLE MATERIAL

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.

RESIDENCE

Any occupied single or multi-family dwelling from which a municipal or private hauler collects solid waste.

SINGLE STREAM

The combination of commingled recyclable materials.

SOLID WASTE

Garbage, refuse, and other discarded solid materials normally collected by a municipal or private hauler.

WHITE GOODS

Appliances, air conditioners, refrigerators, stoves, hot water heaters, ice makers, and freezers.

17-2.2. Establishment of Recycling Program

There is hereby established a program for the mandatory separation of the following recyclable materials from the municipal solid waste stream by all persons within the Borough of Island Heights:

1.

Aluminum cans.

2.

Ferrous containers.

3.

Glass containers.

4.

Newspapers.

5.

All other materials designated as being recyclable by the Ocean County Department of Solid Waste

17-2.3. Separation of Recyclables and Placement for Collection

a.

The Borough shall provide to each commercial, institutional and residential property, one (1) recyclable materials receptacle for the collection of recyclable materials. Each property owner shall have the option of paying for the use of a second recyclable materials receptacle at a cost to be set by Resolution by the Mayor and Council. All recyclable materials receptacles are assigned to properties within the Borough and in all cases remain the property of the Borough.

b.

It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Borough of Island Heights, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants or occupants of such premises and shall be placed at the curb in the recyclable materials receptacle provided by the Borough with the Borough Seal and the metal bar facing the street, on such days and times as may be hereinafter established by regulations promulgated by the Borough of Island Heights. Recyclable materials that are not placed in the receptacle provided by the Borough will not be collected.

c.

All recyclable materials receptacles shall be placed, prior to collection just outside the curb, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles shall be placed as noted above any time after 4:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, all receptacles shall be removed from the curbside by no later than 9:00 p.m. of the day of collection.

d.

It shall be unlawful for solid waste collectors to collect solid waste 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 indicating that the load of solid waste contains designated recyclable materials.

e.

White goods (scrap metal) shall be collected by the Borough a minimum of once per month on a schedule to be set by the Director of Public Works and approved by the Mayor and Council. White goods placed for collection which contained refrigerant must be certified to be refrigerant free by a licensed provider prior to collection.

f.

All recyclable materials receptacles shall be kept clean and in a safe manner.

g.

The owner of each commercial and residential property (whether owner occupied or rented) shall be responsible for compliance with this section.

17-2.4. Administration.

The Director of Public Works, with the approval of the Mayor and Council is hereby authorized to establish and promulgate regulations detailing the manner, days and times for the collection of the recyclable materials.

The Code Enforcement Official and the Police Department are empowered to enforce the provisions of this section.

17-2.5. Construction Debris

a.

Construction debris generated by construction or renovation of commercial or residential properties within the Borough must be disposed of by the property owner or contractor. The Borough does not collect construction debris.

17-3. YARD WASTE COLLECTION PROGRAM.

17-3.1. Purpose.

The purpose of this Code section is to establish a yard waste collection and disposal program within the Borough of Island Heights, so as to protect the public health, safety, and welfare, and to proscribe penalties for failure to comply.

§ 17-3.2. Definitions.

For the purposes of this section, the following words shall have the meanings stated herein:

CONTAINERIZED

The placement of yard waste in a trash can, bucket, bag, or other vessel, such as to prevent the yard waste from spilling or blowing out onto the street and coming into contact with stormwater.

YARD WASTE

Leaves

17-3.3 Collection of Yard Waste

a.

The Borough shall collect containerized yard waste from residential properties a minimum of two (2) times per year (spring and fall) per a schedule set by the Director of Public Works and approved by the Mayor and Council.

b.

Yard waste shall be containerized in a manner prescribed by the Borough and placed at the curb for collection no more than five (5) days prior to the scheduled collection date.

17-3.4. Eligibility for Collection.

Residences, as defined in Borough Code 17-2.1, Definitions, shall be eligible for collection under the Yard Waste Collection Program.

17-3.5. Prohibited Conduct.

It shall be a violation of this Code section for any person or property owner to allow, permit or perform any of the following:

a.

Sweeping, raking, blowing, or otherwise placing yard waste that is not containerized at the curb. Placement of yard waste within ten (10) feet of any storm drain inlet is prohibited.

b.

Placement of containerized yard waste at the curb more than five (5) days before the scheduled pickup.

17-4 Enforcement.

This Code section shall be enforced by the Police Department of the Borough of Island Heights, as well as the Code Enforcement Official of the Borough of Island Heights.

17-5 Violations and Penalties.

Any person convicted of a violation of any of the provisions of this section shall be liable to the penalty stated in Chapter I, Section 1-5.

The foregoing Ordinance was duly adopted by the Mayor and Council at their Regular Meeting conducted on February 28, 2023 in the Borough.

Sean Asay

Borough Clerk