

Chapter 221

RECYCLING

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[HISTORY: Adopted by the Board of Commissioners of the City of Margate City 5-24-1990 by Ord. No. 1990-10 . Amendments noted where applicable.]

GENERAL REFERENCES

Brush grass and weeds — See Ch. 87.

Garbage, rubbish and refuse — See Ch. 155.

Dumpsters — See Ch. 127.

§ 221-1. Title.

This chapter shall be known and may be cited as the "Recycling Ordinance of the City of Margate."

§ 221-2. Additional definitions.

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

ALUMINUM CANS — All aluminum beverage containers and all aluminum pet food or other containers.

CARDBOARD or CORRUGATED PAPER — Clean, heavy box materials, commonly known as "cardboard boxes," and similar heavy paper packaging containers that are free of plastic, foam and other contaminants, also including food packaging boxes and other commercial packaging that are free of food contaminants, plastic, wax and foam materials that would make them undesirable for recycling purposes. All cardboard and packaging must be opened and flattened for ease of handling.

COMMERCIAL ESTABLISHMENTS — Those properties used primarily for commercial purposes.

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 noncontainer 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 government offices.

MULTIFAMILY RESIDENCES — All residential living units containing four or more dwelling units.

PAPER — Newsprint and other forms of paper and paper products such as magazines, telephone books, catalogs, white office paper, computer paper, etc., excluding those soiled (i.e., containing carbon, adhesive or plastic) or unfit due to health and/or sanitary reasons. Newspapers shall also be deemed soiled if they have been exposed to substances rendering them unusable for recycling (i.e., water).

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

PLASTICS — Plastic soda, juice and liquor bottles; plastic laundry and dish detergent bottles; and plastic bleach bottles. In addition, any plastic bottles or containers that have the recycling symbol or the initials PETE or HDPE stamped on the container.

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 products.

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

SOLID WASTE — Garbage, refuse and other discarded solid material normally collected by a municipal or private hauler.

§ 221-3. Recycling program established; recyclable materials.

There is hereby established a mandatory program for the separation of the following recyclable materials from the municipal solid waste stream by all persons within the City of Margate, hereinafter referred to as the "municipality," as follows:

- A. Residences and multifamily residences shall recycle aluminum cans, glass containers, plastic containers, newspapers and paper goods.
- B. Commercial and institutional establishments shall recycle aluminum cans, glass containers, plastic containers, cardboard, newspapers and paper goods such as white office paper and computer paper.
- C. As the municipality sees fit to include other recyclable materials in the program, all persons falling under this chapter will be required to separate these items from the municipal solid waste stream.
- D. Carpet and padding are hereby designated as recyclable materials and shall be separated from the municipal solid waste stream. The City of Margate will pick up carpet and padding from properties and will accept carpet and padding at the municipal drop-off facility on dates and times as determined by the Department of Public Works. If installation of carpet and padding is performed by a professional/commercial carpet and padding company, it will be the home owner's responsibility to dispose of same. Carpet and padding must be dry and rolled, tied and bundled in sections of four feet by eight inches in order to be accepted at the Atlantic County Utilities Authority Recycling Center and Processing Facility. [Added 12-20-2007 by Ord. No. 2007-54 ; amended 10-1-2015 by Ord. No. 13-2015]

- E. All electronic waste (e-waste), which includes but is not limited to computers, televisions, VCRs, DVDs, and electronic game stations, is hereby designated as recyclable materials and shall be separated from the municipal solid waste stream. E-waste must be transported by the property owner, manager or agent to the Atlantic County Intermediate Processing Facility for recycling. The City of Margate will not pick up e-waste from properties, nor will it accept e-waste at the municipal dropoff facility. **[Added 2-21-2008 by Ord. No. 03-2008]**
- F. All metal appliances, including but not limited to washers, dryers, refrigerators, bed frames and hot water heaters, and all aluminum household items, including but not limited to tables, chairs and beach chairs, are hereby designated as recyclable materials and shall be separated from the municipal solid waste stream. **[Added 6-17-2010 by Ord. No. 18-2010]**
- G. The penalty for violation of this section shall be in the amount of \$100. **[Added 4-17-2014 by Ord. No. 22-2014]**

§ 221-4. Separation; placement for disposal.

- A. The recyclable materials designated in § 221-3 of this chapter, excluding newspapers, shall be put in a suitable container, separate from other solid waste, and placed at the curb or such other designated area for collection at such times and dates as may be hereinafter established in the municipality's recycling regulations. The container for recyclable materials shall be clearly labeled and placed at the curb or such other designated area for each collection.
- B. Newspapers shall be bundled and tied with twine or placed in a craft paper (brown paper) bag and placed at the curb or other designated area for collection at such times and dates as are established in the municipality's recycling regulations. The maximum weight of each bundle of newspapers shall not exceed 30 pounds (approximately 12 inches high).
- C. Aluminum and glass containers shall be rinsed, lids removed, and placed commingled in said suitable container.
- D. Plastic containers shall be rinsed, lids removed, flattened and placed in a suitable container.
- E. Cardboard shall be flattened and placed alongside other recyclable materials;
- F. White office paper and computer paper shall be placed in a craft paper (brown paper) bag or in a suitable container separate from other recyclable materials.
- G. The penalty for violation of this section shall be in the amount of \$100. **[Added 4-17-2014 by Ord. No. 22-2014]**

§ 221-5. Condominium, apartment or multifamily unit regulations.

- A. The owner/manager or association of every multifamily dwelling (apartment, townhouse or condo) shall designate space for the placement and storage of newspaper, glass, aluminum, plastic and all other recycled materials. The owner/manager or association also has the option of arranging for curbside pickup service from the Atlantic County Utilities Authority. All lessees/owners of these dwelling units shall be required to separate items as mentioned in § 221-3 and place them in the designated place.
- B. All multifamily residences that provide private collection for recyclable materials named in § 221-3 of this chapter shall submit written documentation to the municipality and to the Atlantic County Utilities Authority by June 1 of the total amounts of recyclables collected in the prior calendar year.

The only exception to this collection and documentation method will be if the multifamily dwelling is serviced by the Atlantic County Utilities Authority Collection Program. Multifamily residences have the choice of private or county collection for recycled materials, but the Municipal Recycling Coordinator and Atlantic County Utilities Authority must be notified of the collection method selected.

§ 221-6. Commercial and institutional establishment regulations.

Commercial and institutional establishments may transport their recyclables to the containers at the municipal drop-off facility or to the Atlantic County Intermediate Processing Facility or contract with a private hauler to collect them. It is the responsibility of the commercial or institutional establishment to properly separate or have separated and store or have stored all recyclable items on their premises prior to periodic disposal of these materials. Yearly documentation of amounts recycled by a private hauler must be made to the City Clerk and the Atlantic County Utilities Authority prior to June 1 for the preceding calendar year. Materials taken to the county facility will be recorded for the municipality. Municipal records will be maintained for materials disposed of at the drop-off facility and credit given to those participating commercial and institutional establishments accordingly. The only exception to this collection method is if the commercial or institutional establishment participates in the Atlantic County Collection Service Program.

§ 221-7. Leaves.

- A. All persons within the municipality shall, for the period from October 15 through December 1 and March 15 through April 30 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 or other designated collection area at such times and dates and in the manner established by the municipality's recycling regulations. The use of 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. All commercial lawn services will dispose of leaves collected within the municipality at the composting facility within the City yard and submit, prior to June 1 of each year, the total amount collected in the prior calendar year.

§ 221-8. Collection.

- A. Alternative collection of recyclable materials. Any person may donate or sell recyclable materials to individuals or organizations authorized by the municipality 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 said individual or organization on the days specified in the municipality's recycling regulations. Said individuals or organizations may not collect recyclable materials on or within the 24 hours immediately preceding a regularly scheduled curbside collection day and shall, prior to June 1 of each year, provide written documentation to the municipality of the total amount of material recycled during the preceding calendar year.
- B. Collection by unauthorized persons. It shall be a violation of this chapter 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 § 221-3 of this chapter. Each such collection in violation of this chapter shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 221-9. New developments.

In accordance with the New Jersey Statewide Mandatory Source Separation Recycling Act of 1987,¹ proposals for new developments of 50 or more single-family units and/or five multifamily units and/or 100 square feet or more of commercial or industrial space must incorporate provisions in the site plan for recycling. Master Plans must be updated for recycling every three years and must incorporate a recycling plan element into the Municipal Master Plan.

§ 221-10. Administration; enforcement.

- A. The Municipal Council is hereby authorized to establish and promulgate reasonable regulations to be adopted by resolution of the Municipal Council detailing the manner, days and times for the collection of the recyclable materials designated in § 221-3 of this chapter. Such regulations shall take effect only upon the approval of the Municipal Council by adoption of a resolution implementing the same. The municipality is hereby authorized and directed to enforce the provisions of this chapter and any implementing regulations adopted hereunder. The position of the Municipal Recycling Coordinator as per N.J.S.A. 13:1E-99.13b(1) is hereby established and will be held by the person who shall be appointed by resolution of the Municipal Council. The Municipal Recycling Coordinator's name and telephone number shall be forwarded to the Atlantic County Utilities Authority.
- B. Noncollection of solid waste contaminated by designated recyclables. The municipality or any other person collecting solid waste generated within the municipality may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under any applicable section of this chapter.

§ 221-11. Collection of waste mixed with recyclable materials prohibited. [Added 8-15-2013 by Ord. No. 18-2013 ²]

- A. 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.
- B. It shall be the responsibility of the owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. Allowing such unseparated solid waste and recyclables to accumulate at the curbside beyond 7:00 p.m. on the day of collection will be considered a violation of this chapter and the local sanitary code.
- C. Once placed in the location identified by this chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the designated recyclable materials for collection, shall tamper with, collect, remove, or otherwise handle designated recyclable materials. Upon placement of such designated recyclable material, it shall become the property of the municipality or its authorized agent. It shall be a violation of this chapter for any person not duly authorized to collect or pick up or cause to be collected or picked up any recyclable materials that are the property of the municipality as provided for above.

1. Editor's Note: See N.J.S.A. 13:1E-99.11 et seq.

2. Editor's Note: This ordinance also renumbered former § 221-11, Violations and penalties, as § 221-15.

§ 221-12. Construction, renovation and demolition debris recovery plan.

- 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. Compliance with diversion requirement. The Municipal Recycling Coordinator shall review the information submitted pursuant to this section of the chapter 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. The determination regarding compliance will be provided to the Municipal Public Works Director/ Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this chapter for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

§ 221-13. Enforcement; inspections.

- A. The Municipal Recycling Coordinator and the following designees: the Public Works Manager, the Code Enforcement Officer and the Margate City Police Department, are hereby individually and severally empowered to enforce the provisions of this chapter. The enforcers of the article 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.
- B. Additionally, the Atlantic County Health Department (ACHD) shall be empowered to enforce the provisions of this chapter. The municipality shall retain primary enforcement responsibility with the ACHD serving in a secondary enforcement role, which includes inspection of commercial establishments with proof of prior law enforcement actions.

§ 221-14. Promulgation of rules and regulations.

The governing body is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the source separation, preparation, placement and collection of recyclable materials pursuant to the provisions of this program and chapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this chapter and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

§ 221-15. Violations and penalties.

- A. Any person, firm or corporation violating the provisions of any section of this chapter shall be issued a warning for the first and second offense and will then be subject to a fine of not less than \$50 nor more than \$1,000 for each offense and/or 15 to 30 days' community service and/or 15 to 90 days' jail sentence.
- B. Each and every day in which a violation of any of the provisions of this chapter exists shall constitute a separate offense.
- C. Action shall be taken to enforce the provisions of this chapter immediately upon municipal approval.

- D. Any person, firm or corporation placing nonrecyclable materials at the recycling dropoff facility within the City of Margate shall be subject to a fine of not less than \$25 nor more than \$1,000 for each offense.

§ 221-16. License for collection of recyclable material.

Every nongovernmental person or entity whose business involves the collection, removal or disposal of recyclable material shall be required to be licensed by the City of Margate.

§ 221-17. Definitions.

As used in this chapter, the following terms have the meanings indicated:

COMMERCIAL RECYCLABLE COLLECTOR — A person or entity whose business involves the collection, removal or disposal of recyclable materials. Said commercial recyclable collector may be referred to as a "scrapper."

VEHICLE — Every device in, upon or by which a person or property is or may be transported upon a highway.

§ 221-18. Scrapper permit; application information.

The application for a permit to operate or conduct business as a scrapper in Margate City shall be made in writing to the City Clerk and signed by the applicant. The application shall be forwarded to the Municipal Recycling Coordinator for review and approval, which approval shall not be unreasonably withheld. The application shall set forth:

- A. Name, address and telephone number of the applicant, which shall include the names of all individuals, members, owners or operators of the applicant.
- B. The character and type of all recyclable material that is to be gathered by the scrapper.
- C. The location where the recyclable material is to be taken and the name and telephone number of the company or organization to receive such recyclable material.
- D. The New Jersey Business Certification of Registration and the FEIN (federal employer identification number).

§ 221-19. Operating requirements for scrappers.

Every scrapper operating within Margate City shall be required to comply with the following:

- A. The name of the scrapping company shall be clearly indicated on both sides of any vehicle used in said operation, shall be no less than three inches in height, and shall include the address and telephone number.
- B. The annual fee of \$50 shall be paid to the City by each commercial scrapper. The annual registration fee of \$50 shall be waived upon proof that the contractor possesses a New Jersey State contractor's license.
- C. Tags identifying that vehicles have been properly registered must be displayed on each vehicle. A fee of \$1 per tag shall be charged for each contractor's vehicle possessing a New Jersey State contractor's license. For scrappers not possessing a New Jersey State contractor's license, one tag shall be given without charge. The fee for each additional tag shall be \$1.

- D. Registration shall be renewed no later than March 31 of each year. The annual fee of \$50 is due and payable in full at the time of registration.