

**BOROUGH OF BEACH HAVEN  
COUNTY OF OCEAN**

**ORDINANCE #2019-2C**

**AN ORDINANCE AMENDING AND SUPPLEMENTING Chapter 173, "Solid Waste," of the Borough Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, 2000" to regulated receptacles and establish fee for receptacles.**

**WHEREAS**, the Borough wishes to implement automated garbage and recycling pick-up within the Borough of Beach Haven; and

**WHEREAS**, the Mayor and Council wish to establish fees and regulations for standardized receptacles for automated garbage and recycling pick-up.

**NOW THEREFORE, THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACH HAVEN DO ORDAIN AS FOLLOWS:**

**SECTION I**

Section §173-5 shall be repealed and adopted as follows:

§ 173-5. Receptacle specifications.

A. All solid waste, as defined herein, shall only be placed in collection containers provided by the Borough of Beach Haven.

(1) All solid waste shall be picked up at curbside on the dates set forth in the Beach Haven garbage and recycling schedule. Containers will be returned, by the Public Works Department, to the side of the house or at a location agreed upon by the homeowner and Public Works Superintendent/Supervisor.

(2) Curbside, as defined, must provide for unobstructed access.

(3) Containers shall not be collected from a corral.

(4) No trash corrals shall be located within the Borough right-of-way. Trash corrals shall only be permitted to the side of the house or at a location agreed upon in writing by the homeowner and Public Works Superintendent/Supervisor.

B. **Fees for receptacles.** One (1) solid waste container will be provided to each homeowner free of charge. Any additional cans requested by the homeowner can be purchased from the Borough of Beach Haven at the following rate:

95 Gallon = \$55.00

65 Gallon = \$50.00

C. Sufficient containers, as described in this section, shall be maintained for each building to accommodate solid waste and rubbish for a period of not less than seven (7) days.

D. Writing, marking or painting on the exterior of the receptacle in any manner is prohibited. Homeowners may write the house number or address on the underside of the lid only.

E. Lost or stolen containers will be replaced only after a police report is filed with the Beach Haven Police Department. The Borough reserves the right to charge for replacement containers.

## SECTION II

Section §173-6(A) shall be repealed and adopted as follows:

A. Business and commercial establishments shall utilize collection containers provided by the Borough of Beach Haven only. Each residence shall be limited to a maximum of three (3) ninety-five (95) gallon containers. Any business or commercial establishment requiring more than three (3) containers or receptacles shall be required to contract with an outside vendor for trash and solid waste collection service. If an outside vendor is actively collecting solid waste for an establishment, collection of cans by the Borough shall not be offered.

## SECTION III

Section §173-8(B)(1) and (4) shall be repealed and adopted as follows:

(1) Single-stream recycling shall include aluminum cans, ferrous containers, glass containers, paper, corrugated cardboard and plastic containers and must be placed curbside in collection containers provided by the Borough of Beach Haven. Recycling must be separate from other solid waste, and containers must be 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, covered and placed at the curb or such other designated area for each collection. The use of plastic garbage bags or paper bags of all types is prohibited. Recyclables shall be loose inside the container.

(4) Brush and lawn clippings must be placed curbside on the designated day and are picked up weekly. Brush and lawn clippings can be placed in containers or presented in bundles perpendicular to the street with the stump side facing the street. Bags may be used without placing same in plastic or metal watertight covered receptacles when they are used to contain gardening debris of a completely biodegradable nature. Bags themselves must also be biodegradable.

## SECTION IV

Section §173-8(C) shall be renumbered as 173-8(D) and a new 173-8(C) be adopted as follows:

C. Receptacle specifications.

1. All recyclable material, as defined herein, shall only be placed in collection containers provided by the Borough of Beach Haven.

(a) All recycling shall be picked up at curbside on the dates set forth in the Beach Haven garbage and recycling schedule. Containers will be returned, by the Public Works Department, to the side of the house or at a location agreed upon by the homeowner and Public Works Superintendent/Supervisor.

(b) Curbside, as defined, must provide for unobstructed access.

(c) Containers shall not be collected from a corral.

(d) No corrals shall be located within the Borough right-of-way. Corrals shall only be permitted to the side of the house or at a location agreed upon by the homeowner and Public Works Superintendent/Supervisor.

2. **Fees for receptacles.** One (1) recycling container will be provided to each homeowner free of charge. Any additional cans requested by the homeowner can be purchased from the Borough of Beach Haven at the following rate:

95 Gallon = \$55.00  
65 Gallon = \$50.00

3. Sufficient containers, as described in this section, shall be maintained for each building to accommodate recycling for a period of not less than seven days.

D. Writing, marking or painting on the exterior of the receptacle in any manner is prohibited. Homeowners may write the house number or address on the underside of the lid only.

E. Lost or stolen containers will be replaced only after a police report is filed with the Beach Haven Police Department. The Borough reserves the right to charge for replacement containers.

#### **SECTION V**

New Section §173-8(D) subsection (2) shall be repealed and replaced as follows:

(2) In the event that any business generates more than three (3) ninety-five (95) gallon receptacles of commingled recyclables between regularly scheduled pickup periods, that business shall be required to supply and to use a dumpster for all commingled cans and bottles. Such businesses shall provide for private recycling services. The dumpster shall be clearly marked and labeled "For Commingled Cans and Bottles Only." Commercial establishments may also drop off commingled cans and bottles at the Beach Haven Recycling Center during working hours.

#### **SECTION VI**

**Repealer.** All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

#### **SECTION VII**

**Severability.** If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

#### **SECTION VIII**

**Effective Date.** This Ordinance shall take effect upon publication thereof after final passage according to law.

**NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a public meeting of the Borough Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, held on January 14, 2019 at 7:00 p.m. A copy of the ordinance can be obtained, without cost, by any member of the general public at the Office of the Municipal Clerk, 300 Engleside Avenue, Beach Haven, NJ 08008 Monday through Friday, 9:00 a.m. to 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held on February 11, 2019 at 7:00 p.m. at the Beach Haven Municipal Building, Engleside Avenue, Beach Haven, New Jersey 08008.

**CERTIFICATION**

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted on first reading by the Municipal Council of the Borough of Beach Haven at a regular meeting held on the 14<sup>th</sup> day of January, 2019, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14<sup>th</sup> day of January, 2019.

  
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Sherry Mason, RMC, Municipal Clerk

<b><i>First Reading:</i></b>	<b><i>January 14, 2019</i></b>
<b><i>Publication:</i></b>	<b><i>January 24, 2019</i></b>
<b><i>Second Reading:</i></b>	<b><i>February 11, 2019</i></b>
<b><i>Publication:</i></b>	<b><i>February, 21, 2019</i></b>
<b><i>Effective</i></b>	<b><i>March 13, 2019</i></b>