

**CITY OF WILDWOOD
CAPE MAY COUNTY, NEW JERSEY**

ORDINANCE NO. 1236-22

ORDINANCE REPEALING ORDINANCE NO. 1194-21 AND RESTATING CHAPTER 10 OF THE CITY OF WILDWOOD CODIFIED ORDINANCES AS TO COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND ASHES.

WHEREAS, the Board of Commissioners for the City of Wildwood seeks to repeal Ordinance No. 1194-21, and restate Chapter 10, Section 3 of the City's Code as to the collection and disposal of garbage, rubbish and ashes in the City.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the City of Wildwood, County of Cape May, State of New Jersey, that Chapter 10, Section 3 shall be deleted in its entirety and restated as follows:

Section 10-3 – Collection and Disposal of Garbage, Rubbish and Ashes

§ 10.3- Collection and Disposal of Garbage, Refuse and Ashes

§ 10-3.1 Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations, shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. **ASHES** – Shall mean the residue from the burning of wood, coal, coke, or other combustible materials.
- b. **BULK ITEMS** – Items as defined in 10-3.11 set forth herein.
- c. **COLLECTOR** – Shall mean either private collector or public collector as herein defined.
- d. **GARBAGE** – Shall mean putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.
- e. **OCCUPANT** - Shall mean the owner, agent, tenant, lessee, caretaker or any other person in charge of any premises in the City of Wildwood.
- f. **PERSON** – Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- g. **PRIVATE COLLECTOR** – Shall mean any person engaged in the business of privately collection garbage, refuse and ashes, as defined in this section, within the City of Wildwood.
- h. **PUBLIC COLLECTOR** – Shall mean the Department of Public Works of the City of Wildwood or the contracted service provider.
- i. **RECEPTACLES** – Container constructed of plastic or metal with a lid designed to handle refuse that is leak proof.
- j. **REFUSE** – Shall mean refuse any human or pet waste, litter, trash, garbage, rubbish, debris, contaminant, pollutant, waste liquid, or other discarded materials.
- k. **SUITABLE** (as applied to refuse receptacles) – Shall mean a water-tight metal or plastic receptacle with a tight-fitting cover which is so constructed as to prevent the spilling or leaking of its contents and shall be equipped with pull handles.
- l. **SUPERINTENDENT** - Shall mean the Superintendent of the Department of Public Works of the City of Wildwood.

§ 10-3.2 General Supervision

The Superintendent shall have the responsibility to coordinate the collections and conveyance of city refuse and authority to make regulations concerning the days of collection by the public collector, type and location of Receptacles and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary.

§ 10-3.3 Required Receptacles

Every person, householder, owner, occupant or proprietor of a hotel, motel, restaurant, boardinghouse, market, store, mercantile establishment or other place of habitation or commercial or residential operation in the City of Wildwood shall provide, or cause to be provided, suitable receptacles as defined in §10-3.7 for garbage and trash, and shall be placed curbside at the location most convenient for collections.

§ 10-3.4 Damaged Receptacles

Receptacles that are badly broken or which otherwise fail to meet the requirements of this section, may be classed as refuse and collected and disposed of as such by the person responsible for refuse collection.

§ 10-3.5 Placing of Receptacles for Collection

Receptacles shall not be placed curbside for collection except after 9:00 p.m. prior to the day scheduled for the collection of refuse and not later than 6:00 a.m. on the day of collection, and shall not be left out later than 6:00 p.m. on the day of collection.

§ 10-3.6 Location of Receptacles

Receptacles shall be conveniently located on the premises for the storage of refuse and shall be maintained in a manner that will prevent the creation of a nuisance or a menace to the public health.

§ 10-3.7 Preparation of Refuse for Collection

a. **Residential Properties**

- 1. The receptacles placed curbside for collection shall be kept clean and clearly marked with the address.

2. No person shall sprinkle or place any hazardous substance upon any refuse.
3. No plastic bags shall be placed curbside.
4. Use of plastic bags as a receptacle is prohibited.
5. Each residential or multiple dwelling unit shall be limited to the following per collection:
 - (i) Two (2) 96-gallon receptacles with recessed upper lift pocket and steel lower lift bar for fully automated and semi-automated collection systems; or
 - (ii) Six (6) 32-gallon receptacles not exceeding 50lbs each in weight.
6. Multiple dwelling units are responsible to supplement additional refuse disposal that exceeds the allotted City responsibility for refuse pick-up as set forth §10-3.7(a)(5)(i-ii) at their own expense.

b. Commercial/Industrial Properties

1. The receptacles placed curbside for collection shall be kept clean and clearly marked with the address.
2. No person shall sprinkle or place any hazardous substances upon any refuse.
3. No plastic bags shall be place curbside.
4. Use of plastic bags as a receptacle is prohibited.
5. Commercial or industrial premises shall be limited to the following per collection:
 - (i) Three (3) 96-gallon receptacles with recessed upper lift pocket and steel lower lift bar for fully automated and semi-automated collection systems; or
 - (ii) One two (2) yard dumpster; or
 - (iii) Until May 1, 2023, (8) 32-gallon trash cans. After the aforementioned date, the City will no longer collect 32-gallon trash can(s) left for collection.
6. Commercial or industrial premises are responsible to supplement additional refuse disposal that exceeds the allotted city responsibility for refuse pick-up as set forth §10-3.7(b)(6)(i-ii) at their own expense.

c. Hotel and Motels

1. The receptacles placed curbside for collection shall be kept clean and clearly marked with the address.
2. No person shall sprinkle or place any hazardous substances upon any refuse.
3. No plastic bags shall be place curbside.
4. Use of plastic bags as a receptacle is prohibited.
5. Hotel and Motels shall be limited to the following per collection:
 - (i) One (1) 96-gallon receptacle(s) per four (4) rental unit(s); or
 - (ii) One two (2) yard dumpster per sixteen (16) rental units.
 - (iii) 32-gallon receptacles shall be permitted until May 1, 2023.
6. Hotels and Motels are encouraged to use dumpsters when space permits.
7. Hotels and Motels are responsible to supplement additional refuse disposal that exceeds the allotted city responsibility for refuse pick-up as set forth §10-3.7(b)(6)(i-ii) at their own expense.

d. Mixed-Use Properties

1. The receptacles placed curbside for collection shall be kept clean and clearly marked with the address.
2. No person shall sprinkle or place any hazardous substances upon any refuse.
3. No plastic bags shall be place curbside.
4. Use of plastic bags as a receptacle is prohibited.
5. Mixed -use properties shall be limited to those collection restrictions set forth in (a5), b(5), and c(5)) set forth in §10-3.7 based on the property's use permitted use. Mixed-use properties are responsible to supplement additional refuse disposal that exceeds the allotted city responsibility for refuse pick-up as set forth §10-3.7(b)(6)(i-ii) at their own expense.

§ 10-3.8 Storage of Refuse.

- a. No person shall place any refuse in any street, alley, under boardwalk and ramp access point, or other public place, or upon any private property, whether owned by such person or not, within the City of Wildwood.
- b. The occupant of every premises within the City of Wildwood shall arrange for the daily removal of refuse from the premises unless sufficient and suitable facilities are provided for the storage of refuse until it is removed. Any unauthorized accumulation of refuse on any premises is hereby declared to be nuisance, a health and public safety violation and is prohibited.
- c. No person shall cast, place, sweep or deposit anywhere within the City of Wildwood, any refuse in such a manner that is may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or unto any occupied premises within the city.

§ 10-3.9 Vehicles.

Any vehicles used for the collection and removal of refuse shall have a fully enclosed watertight body which shall be designed as to prevent leaking or dispersal of the contents. The part of the vehicle used for the transportation of refuse shall be kept thoroughly cleaned and shall be suitably washed and disinfected between collections and shall be operated in such a manner as to prevent, to the fullest extent possible, the creation of any offensive odor or appearance.

§ 10-3.10 Duties of Collectors

- a. Neither the collector nor his employees shall pick or sort paper, refuse, ashes, trade waste, debris or other refuse, and the contents of refuse containers shall be removed from the premises at the time of collection without any unnecessary delay or exposure or without any spilling.
- b. The collector shall be responsible for seeing that his employees and agents perform the work of collections in a quiet, decent, careful and diligent manner.

§ 10-3.11 Collection Practices

- a. The public collector shall collect refuse from all properties in the City of Wildwood on days and at the times established by the Superintendent, provided that every property which is in compliance with the provisions of this section shall have its refuse collected at least two (2) days per week (excluding Sundays) during the months of June, July, August and September, starting on the third (3rd) Monday in May and ending on the first (1st) Saturday in October. During the months of January, February, March, April, May, October, November and December, collections shall occur once per week, Monday through Friday. All other collections necessary to comply with this section shall be the responsibility of the property owner or occupant through arrangements with private collectors.
- b. The City shall provide for one (1) free, bulk item pick-up per month, as set forth in section (c) below, for each property which shall occur on the last collection day of each month. All cloth, upholstered furniture or carpeting bulk items must be wrapped in plastic prior to be placed to the curb for pick-up.
- c. Other than the free bulk pick-up as defined in 10-3.11b, bulky items shall be placed at the curb for removal by the public collector, only after prior arrangement for such removal has been made with the Superintendent and a fee paid for such removal, which fee is to be in accordance with the schedule of fees for such removal as promulgated by regulation of the Superintendent as set forth below. The responsibility for removal of bulky items at any times other than as provided in this Section shall be that of the property owner or occupant.

Bulk Trash Fee Schedule	
Air Conditioner	\$25.00
Bicycles	No Charges
Buffet	\$20.00
Chair – Un-upholstered	\$20.00
Chest	\$20.00
Coffee Table	\$20.00
Desk	\$20.00
Dishwasher	\$25.00
Dresser	\$20.00
Dryer	\$40.00
Electronics	\$20.00
Fan	\$20.00
Frames	\$20.00
Freezer	\$40.00
Furniture – Misc.	\$20.00
Grill/Barbecue	\$20.00
Heater	\$25.00
Ladder	\$20.00
Lamp	\$20.00
Push Lawn Mower	\$20.00
Refrigerator	\$40.00
Sewing Machine	\$20.00
Stove/Oven	\$40.00
Table	\$20.00
Vacuum Cleaner	\$20.00
Washer	\$40.00

Items Which Must Be Wrapped in Plastic and Sealed	
Box Springs	\$20.00
Chair – Upholstered	\$20.00
Cot	\$40.00
Couch	\$40.00
Futon	\$20.00
Mattress	\$20.00
Rug Padding/per room	\$20.00
Sofa Bed	\$40.00
Carpet – per room	\$40.00
Area Carpet	\$20.00

- d. Additional Provisions. The Board of Commissioners may amend the terms and provisions (fees) of this subsection by resolution.

§ 10-3.12 Disposal of Refuse.

No refuse shall be disposed of within the City of Wildwood.

§ 10-3.13 Violations and Penalties.

Violations and Penalties under this Section shall be in accordance with can N.J.S.A. 40:49-1, et seq. Any repetition of any violation of this article shall be deemed a new offense.

Section 2. Severability

If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Repealer

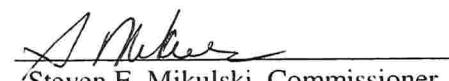
Ordinance No. 1194-21 is hereby repealed in its entirety. This Ordinance shall supersede all other Ordinances in conflict with same which, to the extent they conflict with this Ordinance, are hereby repealed.

Section 4. Effective Date

The Ordinance shall take affect 20 days subsequent to second reading and final passage.



Krista Fitzsimmons, Commissioner



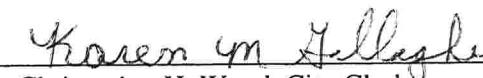
Steven E. Mikulski, Commissioner



Peter J. Byron, Mayor

Attest: Karen M. Gallagher
Christopher H. Wood, City Clerk
or
Karen M. Gallagher, Deputy City Clerk

The above ordinance was introduced and passed first reading on July 13, 2022.
Second Reading/Public Hearing on the above ordinance was held on July 27, 2022.
The above ordinance passed second reading on July 27, 2022.



Karen M. Gallagher
Christopher H. Wood, City Clerk
or
Karen M. Gallagher, Deputy City Clerk

**CITY OF WILDWOOD
CAPE MAY COUNTY, NEW JERSEY**

ORDINANCE NO. 1237-22

ORDINANCE REPEALING ORDINANCE NO. 1163-20 AND RESTATING CHAPTER 3 OF THE CITY OF WILDWOOD CODIFIED ORDINANCES AS TO SOURCE SEPARATION AND RECYCLING POLICY

WHEREAS, the Board of Commissioners for the City of Wildwood seeks to repeal Ordinance No. 1163-20, and restate Chapter 3, Section 17 of the City's Code as to the Source Separation and Recycling Policy in the City.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the City of Wildwood, County of Cape May, State of New Jersey, that Chapter 3, Section 17 shall be deleted in its entirety and restated as follows:

Section 3-17 - Source Separation and Recycling Policy.

§ 3-17.1 - Short Title

This section shall be known and may be cited as the "City of Wildwood Recycling Program Ordinance."

§ 3-17.2. Definitions.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BUNDLE(D) – Flatly stacked cardboard tied securely with twine or consolidated into one box not exceeding 30lbs in weight.

DESIGNATED RECYCLABLE MATERIALS – 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. Those designated recyclable materials to be set at curbside shall be established by the Cape May County Municipal Utilities Authority, a list of which can be found at http://www.cmcua.com/single_stream_recycling, as well as City Hall.

MUNICIPAL RECYCLING COORDINATOR – The person or persons appointed by the municipal governing body and who shall be authorized to plan, develop, implement and coordinate the recycling program of the City of Wildwood, and perform other related work as required.

OCCUPANT – Shall mean the owner, agent, tenant, lessee, caretaker or any other person in charge of any premises in the City of Wildwood.

PRIVATE COLLECTOR – Shall mean any person engaged in the business of privately collecting garbage, rubbish and ashes, as defined in this section, within the City of Wildwood.

RECEPTACLE – Container constructed of plastic or metal with a lid designed to handle refuse that is leak proof.

RECYCLEABLE MATERIAL – Those materials as defined by the Cape May County Municipal Utilities Authority, a list of which can be located at http://www.cmcua.com/single_stream_recycling, as well as City Hall.

REFUSE – Shall mean any human or pet waste, litter, trash, garbage, rubbish, debris, contaminant, pollutant, waste liquid, or other discarded materials.

SOURCE SEPARATION – The process by which recyclable materials are separated at the point of generation.

SOURCE-SEPARATED RECYCLABLE MATERIALS – Recyclable materials which are separated at the point of generation.

SUPERINTENDENT - Shall mean the Superintendent of the Department of Public Works of the City of Wildwood.

§ 3-17.3. Applicability of Mandatory Source Separation and Recycling Requirements.

- a. **Mandatory Source Separation.** 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 institutions locations within the City of Wildwood, to separate designed recyclable materials from all solid waste, as follows:
 - 1. Designated recyclable materials as defined by the Cape May County Municipal Utilities Authority ("CMCMUA"), shall be placed curbside in front of the property in a manner and on such days and times as may be hereinafter established by the Superintendent, provided that every property which is in compliance with the provisions of this ordinance shall have its recyclable materials collected at least one (1) day per week, Monday through Friday. Starting on the third (3rd) Monday in May and ending on the first (1st) Saturday in October, the boardwalk street ends shall have its recyclable materials collected at least two (2) days per week, Monday through Friday. All other collections necessary to comply with the section shall be the responsibility of the property owner or occupant through arrangements with private collectors.
 - 2. When municipal curbside collection is not provided for designated recyclable materials, it shall be the obligation of the generator to deliver or arrange for the delivery of such materials to the CMCMUA recycling facilities located at the Sanitary Landfill and/or Transfer Station as applicable, or to a private sector market for recycling.

§ 3.17.4. Collection of Recyclable Materials.

- a. The collection of source separated recyclable materials shall be in the manner as set forth by the CMCMUA and as follows:
 - 1. The receptacles pleased curbside for collection shall be kept clean and clearly market with the address
 - 2. No person shall sprinkle or place any hazardous substance upon any refuse.
 - 3. No plastic bags shall be placed curbside or in receptacles.
 - 4. Use of plastic bags as a receptacle is prohibited and will be cause for recycling container not to be collected/emptied.
 - 5. Cardboard shall be Bundled.
- b. Receptacles or other items to be recycled shall be placed as noted above any time after 9:00 p.m. of the day immediately preceding the day of collections, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 6:00 p.m. of the day of collection.

§ 3-17.4.1. Use of City Recycling Center.

- a. Residents and property owners who have recyclable materials shall be able to bring such presorted materials to the Recycling Center during hours to be set by the Superintendent of Department of Public Works upon obtaining a nontransferable identification card from the office of the Department of Public Works showing that the person is a resident or owner of property in the City of Wildwood. The Superintendent of Public Works shall establish hours for collection or deposit of recyclable materials at the Recycling Center.
- b. The Superintendent of Department of Public Works shall further establish by regulation the times for deposit of recyclable materials, and the type of materials accepted at the Recycling Center, which regulations shall be subject to change without notice. The following items shall not be accepted under any circumstances.
 - 1. Construction debris, concrete, bricks and cinderblocks.
 - 2. Leaves, grass clippings, branches and other garden or yard waste collected by commercial landscapers, gardeners, or lawn mowing companies or individuals in such businesses.
 - 3. Tires.
 - 4. Propane tanks, paint cans, petroleum products, or other hazardous waste.
 - 5. Such other items as may be deemed unacceptable by the Superintendent of Department of Public Works in his or her sole discretion.

§ 3-17.5. Residential Dwelling Compliance Requirements.

The owner of each property shall be responsible for compliance with this section. For multifamily units, including but not limited to: condominium complexes and seasonal hotels/motels and guest houses, the management or owner is responsible for setting up and maintaining the recycling system, including collections of source-separated 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. 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 six months during their occupancy.

§ 3-17.6. Commercial Establishment Compliance Requirements.

- a. All commercial business or industrial facilities shall be required to comply with all 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 these specific designed recyclable materials that are collected by the municipality for 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. 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.

§ 3-17.7. (Reserved)**§ 3-17.8. Prohibition of the Collection of Waste Mixed with Recyclable Material.**

- 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 section and the local sanitary code.
- c. Once placed in the location identified by this section, or any rules or regulations promulgated pursuant to this section, 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. It shall be a violation of this section 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.

§ 3-17.9. Prohibited Activities.

It shall be deemed illegal for any of the following:

- a. Any person, persons or business entity to pick up recycling products as described herein that has been set out for pick up by the property City of Wildwood Recycling Division employees.
- b. Any person, persons or business entity removing recycling products which have been delivered to the Recycling Drop Off Center of the City of Wildwood.
- c. Any person, persons or business entity to hunt through trash or refuse which has been set outside to find hidden recycled products.
- d. The Superintendent shall have the authority to make regulations concerning the days of collection by the public collector, type and location of receptacles and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, responsibility to coordinate the collection and conveyance of city refuse and Superintendent.

§ 3-17.10. Enforcement.

- a. The municipal code enforcement officer and his duly appointed assistants are hereby individually and severally empowered to enforce the provisions of this section. The enforcers of the section may conduct and inspections 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 materials.
- b. Additionally, the Cape May County Health Department (CMCHD) shall be empowered to enforce the provisions of this section. 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.

§ 3-17.12. Violations and Penalties.

Violations and penalties under this section shall be in accordance with N.J.S.A. 40:49-1 et seq. Any repetition of any violation of this section shall be deemed a new offense.

Section 2. Severability

If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Repealer

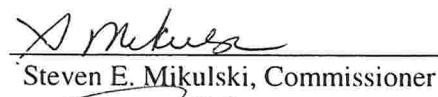
Ordinance No. 1163-20 is hereby repealed in its entirety. This Ordinance shall supersede all other Ordinances in conflict with same which, to the extent they conflict with this Ordinance, are hereby repealed.

Section 4. Effective Date

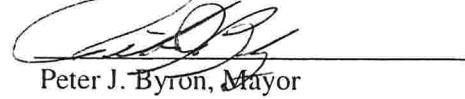
The Ordinance shall take affect 20 days subsequent to second reading and final passage.



Krista FitzSimons, Commissioner



Steven E. Mikulski, Commissioner



Peter J. Byron, Mayor

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