

ORDINANCE NO. 18 OF 2013

**AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 221
“RECYCLING” OF THE CODE OF THE CITY OF MARGATE CITY SO AS
TO PROVIDE FOR THE PROHIBITION OF COLLECTION OF WASTE MIXED
WITH RECYCLABLE MATERIALS AND TO PROVIDE FOR THE LICENSING
AND REGULATION OF RECYCLABLE MATERIAL**

BE IT ORDAINED by the Board of Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

SECTION 221 shall be amended and supplemented as follows:

§221-11. Prohibition of collection of waste mixed with recyclable materials.

- 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 un-separated 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 article and the local sanitary code.
- C. Once placed in the location identified by this article, or any rules or regulations promulgated pursuant to this article, 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 article 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.

§ 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 article 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 Municipality Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this article for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

§221.13. Enforcement.

- A. The Municipal Recycling Coordinator and the following designees, the Public Works Manager, Code Enforcement Officer and the Margate City Police Department, are hereby individually and severally empowered to enforce the provisions of this article. 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 article. 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. 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 subchapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this article 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 15/90 day 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 non-recyclable materials at the recycling drop-off 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. Licensing Requirement for the Collection of Recyclable Material. Every non-governmental 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:

- a) 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”.
- b) Vehicle. Every device in, upon or by which a person or property is or may be transported upon a highway.

§221.18. 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 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. 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.

SECTION 2: All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: This amendment to ordinance §221 shall take effect upon its final passage and publication is required by law.

Board of Commissioners of the City of
Margate City, NJ

Introduction: August 1, 2013

Enactment: August 15, 2013