

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2021-15

**AN ORDINANCE AMENDING CHAPTER 286:
“LITTERING; SOLID WASTE COLLECTION” OF THE
BOROUGH’S REVISED GENERAL ORDINANCES TO
UPDATE THE REGULATIONS FOR SOLID WASTE
AND RECYCLING COLLECTION IN THE BOROUGH**

Mayor Fox offered the following Ordinance and moved its introduction:

WHEREAS, the Borough of Bradley Beach, County of Monmouth, and State of New Jersey (the “Borough”) has determined that, for reasons of economy and efficiency and fair taxation, the regulations governing garbage collection within the Borough should be updated; and

WHEREAS, the Borough’s Director of Public Works and Code Enforcement Officer have recommended certain changes to the regulations for garbage collection within the Borough;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Article II entitled “Trash or Garbage” of Chapter 286 entitled “Littering; Solid Waste Collection” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**CHAPTER 286
LITTERING; SOLID WASTE AND RECYCLABLES COLLECTION**

* * *

**ARTICLE II
TRASH OR GARBAGE**

§ 286-8 ~~Purpose.~~ Definitions.

~~The purpose of this article is to adopt regulations and requirements for the collection of garbage, trash, and rubbish in the Borough so as to protect the public health, safety, and welfare and to prescribe penalties for failure to comply with these regulations.~~

As used in this Article:

CONTAINER – See “RECEPTACLE”

GARBAGE shall mean trash, rubbish, and any animal or vegetable waste from any kitchen, market or store or other place, or any trash, rubbish, or waste which, due to its animal or vegetable content, may decompose, cause odors, attract flies or insects, or be hazardous to the public health.

NONRESIDENTIAL PROPERTY shall refer to all commercial establishments including properties that have a mix use of commercial and residential units. For collection purposes, a property containing mixed uses of multiple commercial and residential units, each unit residential/nonresidential will be considered separately.

PERSON shall include any individual, firm, trust, partnership, association, corporation, company or organization of any kind.

RECEPTACLE utilized for the collection and storage of garbage and recycling should be nonporous plastic or metal trash cans with handles. Each receptacle shall have a tight-fitting cover so constructed to prevent spilling or leakage of contents, the infiltration of water, and to be vermin-proof and shall be disinfected on a regular basis. Each residential and nonresidential unit shall be entitled to use up to five 32 gallon/50 pound trash cans for each collection. No receptacle loaded for collection shall weigh more than 50 pounds.

REFUSE shall mean all other material not described in the definitions in this section, except that it shall not include white metal goods, automobiles or parts thereof, debris from construction or demolition of buildings, lumber, building materials, trees or tree waste.

RETAIL FOOD ESTABLISHMENT shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public or nonprofit organization, institution or group preparing, storing or serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market; or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered dish suppers or similar type of infrequent church or nonprofit type institution meal services shall meet the special provisions of N.J.A.C. 8:24-8; and further provided that any food and/or beverage vending machine shall meet the requirements of N.J.A.C. 8:24-14.

SCREEN or **SHIELD** is an enclosure or structure that serves to hide stored garbage and recycling containers from public view. Such structure should be constructed of sturdy material, resistant to high winds and inclement weather, that is in appearance consistent, and is at least aesthetically neutral with surroundings.

SOLID WASTE shall include all garbage and refuse normally produced by the occupants of residential and nonresidential property and disposed of by private or public pickup and defined as "solid waste" by the New Jersey Solid Waste Management Act.

TRADE WASTE is considered to be all material resulting from the prosecution of any business, trade or industry conducted for profit and such shall be classified as combustible trade waste and noncombustible trade waste, as defined herein.

§ 286-9 Definitions, Residential Collection.

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

~~AUTHORIZED GARBAGE OR TRASH CONTAINER~~

~~A leakproof container constructed of galvanized metal or rigid plastic of equivalent strength having a capacity of not less than 12 gallons nor more than 38 gallons, not more than 38 inches in height, having handles for lifting and having a tight-fitting cover. No container shall weigh more than 50 pounds.~~

~~GARBAGE~~

~~Refuse of animal or vegetable foodstuffs, and all petrifiable material of any kind incidental to the ordinary conduct of a household or residence.~~

~~TRASH and RUBBISH~~

~~All plastic (excluding recyclables), paper, cardboard, clothing, small appliances, small toys, or other waste and refuse, including Christmas trees, usually accumulated in and about a household or residence.~~

§ 286-9.1 Solid Waste Collection.

Each residential unit shall receive curbside solid waste pickup of up to five trash cans per collection day as described in Section 286-12 hereof, subject to the following:

- A. All residential properties shall be provided municipal collection services for brush, leaves, recyclables, and bulk items in accordance with this Chapter and according to the schedules developed and announced by the Department of Public Works.
- B. No household trash, garbage, rubbish, or waste shall be disposed of in any trash can containing any recyclable bottles, cans or plastic containers.
- C. All household trash, garbage, rubbish and waste shall be deposited in approved containers and placed at curbside not earlier than 5:00 p.m. on the night before collection day and no later than 5:00 a.m. on the day of collection. The containers shall be removed from the curb or place of collection by not later than 6:00 p.m. on the day of collection.

D. Cardboard materials should be separated from household trash and included with recycling pursuant to Section 286-20 hereof.

E. All containers for storage of solid waste should be stored or kept, as far as reasonably practicable, and appropriately shielded from public view using "screens" or "shields" to prevent visibility of containers from the street and such screens or shields should not be located in the front yard of any property.

§ 286-9.2 Bulk Items.

Contractors and subcontractors and the like are prohibited from placing any bulk items solid waste, brush, leaves, recyclables, household furniture, bulk waste, white goods, light metal or any other items for collection and must arrange for private cartage. The Borough will collect bulk items in accordance with Article V of this Chapter 286.

§ 286-9.3 Holidays.

The Borough will not make any collections on New Year's Day, Thanksgiving Day, and Christmas Day, or whenever the Director of Public Works declares an emergency, but collections will be made on the next regularly scheduled pickup.

§ 286-10 Collection of Garbage, Trash and Rubbish-Nonresidential Collection.

~~The Borough of Bradley Beach shall collect and dispose of garbage, ashes, trash, and rubbish from all residential dwelling units and commercial establishments in the Borough of Bradley Beach that are properly placed and prepared for collection and disposal in authorized containers as provided in this article. The garbage, trash and rubbish collection shall occur between the hours of 5:00 a.m. and 4:00 p.m. on days and in locations as provided for in the Borough's waste collection schedule. The waste collection schedule is available for inspection in the Borough Clerk's office, at 701 Main Street, and/or the Bradley Beach Police Department, 701 Main Street, Bradley Beach, New Jersey. Approved or authorized containers for garbage, trash and rubbish shall be as defined in § 286-9.~~

A. Nonresidential properties shall receive curbside solid waste pickup of up to five trash cans per collection day as described in Section 286-12 hereof.

B. Nonresidential properties which the Borough determines require a greater level of service than provided in Subsection A hereinabove, must contract with the approved private solid waste collection for each service.

C. Municipal buildings, firehouses, first aid squads, and charitable organizations as defined by N.J.S.A. 45:1A-20 in the Borough shall receive solid waste collection by the Borough or its agents on a schedule to be determined by the Department of Public Works. All other public buildings and nontaxpaying properties shall be considered nonresidential properties for the purposes of this Chapter.

- D. No nonresidential garbage or waste shall be disposed of in any receptacle containing any recyclable bottles, cans or plastic containers.
- E. All nonresidential trash, garbage, rubbish and waste shall be deposited in approved containers and placed at curbside not earlier than 5:00 p.m. on the night before collection day and no later than 5:00 a.m. on the day of collection. The containers shall be removed from the curb or place of collection by not later than 6:00 p.m. on the day of collection.
- F. Cardboard materials should be separated from household trash and included with recycling pursuant to Section 286-20 hereof.
- G. All nonresidential containers for storage of solid waste should be stored or kept, as far as reasonably practicable, and appropriately shielded from public view using "screens" or "shields" to prevent visibility of containers from the street and such screens or shields should not be located in the front yard of any property.

§ 286-11 Number, Care, and Maintenance of Authorized Containers. Preparation and Handling of Waste; Prohibited Items.

~~The owner, tenant, occupant or operator of every residential and/or commercial establishment shall provide a proper and sufficient number of authorized containers as herein defined for the storage of garbage, trash, and rubbish between collections. It shall be the duty of said owner, tenant, occupant, or operator of every residential and/or commercial establishment to maintain such containers in good repair in a clean and satisfactory condition, and to store garbage, trash, and rubbish properly therein. In residential zones, containers and dumpsters shall not be stored in front yards without an approved screen from Code Enforcement Office. In all other zones, containers and dumpsters shall be screened from the public view from the front yards of neighboring properties and public streets. The screens shall be constructed from a weather resistant material or fence like material that is approved by the Code Enforcement Office prior to installation.~~

§ 286-11.1 Required Preparation of Waste.

The following items will not be collected unless they are prepared as indicated:

- A. *Garbage.* Garbage shall be thoroughly and completely drained of all water, and placed in a receptacle as described in Section 286-12.
- B. *Yard Waste.* The Borough will collect yard waste only in accordance with the requirements of Article IV of this Chapter 286.
- C. *Bulk Items.* The Borough will collect bulk items only in accordance with the requirements of Article V of this Chapter 286.

§ 286-11.2 Prohibited Waste.

The following items are prohibited from being placed for collection:

- A. Construction material, dirt, earth, stone, blacktop, concrete, bricks, or macadam.
- B. Industrial waste, including but not limited to processed scrap materials, packing materials and certain hazardous materials, such as acids, paints, fluorescent tubes, bulk amounts of glass, toxic materials and highly volatile or explosive matter, either in liquid, gaseous, or solid form.
- C. Automotive parts, including but not limited to transmissions, engines, rear ends, wheels, tires, mufflers, and other items normally produced in the maintenance and repair of vehicular equipment.
- D. Dead animals shall be disposed of as provided by the Department of Health.
- E. Surgical dressings, syringes and disposable hospital-type items. These items are to be disposed of pursuant to law and regulation, including, but not limited to, the law and regulations of the Department of Health.
- F. New and used motor oil: in accordance with state regulations
- G. Hazardous waste classified pursuant to regulations issued by the New Jersey Department of Environmental Protection, adopted under authority of N.J.S.A. 13:1D-9 and 13:1E-6, as amended.
- H. Liquid waste.

§ 286-12 Owners of multifamily residential property to provide for removal of trash, garbage and rubbish. Receptacles, Placement, and Removal.

- A. ~~In the case of a parcel of real estate containing five or more dwelling units, including condominium developments, attached housing, garden apartments, townhouses, and parcels of real estate containing five or more dwelling units, the owners of said dwelling units shall provide a dumpster or a proper and sufficient number of authorized containers to store garbage, trash, and rubbish between collections and shall maintain said containers in good repair and in a clean and satisfactory condition.~~
- B. ~~The dumpster or authorized containers for trash or garbage, or dumpsters, shall be placed on the property in question in such a location as shall be designated by the Borough of Bradley Beach and shall be screened from view by neighboring properties and public streets.~~
- C. ~~The owners of said parcels of real property housing five or more dwelling units as hereinabove described may not place garbage, trash and rubbish containers at the curbside for pickup by the Borough, but must instead maintain an area on the parcel for~~

~~storage of containers or dumpster and arrange for pickup of said containers or dumpster by the Borough in a location approved by the Borough. The costs of garbage, trash and rubbish removal and disposal fees will be paid by the Borough of Bradley Beach. The costs of the containers or dumpster and any additional cost for pickup from the designated solid waste storage area shall be paid by the property owners and not by the Borough.~~

- ~~D. Any property owner who does not wish to have garbage, trash and rubbish collection provided by the Borough of Bradley Beach or who cannot provide an accessible location approved by the Borough must arrange for private pickup and disposal. Said property owners shall submit a copy of their contracts for solid waste collection to the Borough of Bradley Beach if requested to do so.~~

§ 286-12.1 Receptacles or Trash Cans.

All of the materials placed for collection must be deposited in nonporous plastic or metal trash cans with handles. Each receptacle shall have a tight fitting cover so constructed to prevent spilling or leakage of contents, the infiltration of water, and to be vermin-proof and shall be disinfected on a regular basis. Each residential and nonresidential unit shall be entitled to use up to five 32 gallon/50 pound trash cans for each collection. No receptacle loaded for collection shall weigh more than 50 pounds.

§ 286-12.2 Dumpsters.

Sufficient facilities must be provided in, on and at nonresidential properties for the storage of solid waste produced or generated from the property. For premises utilizing dumpsters, all materials must be placed in plastic bags before being deposited in the dumpster. Dumpsters must be protected from the infiltration of water by an enclosure or a watertight lid, and must be vermin-proof. All dumpsters must be disinfected on a regular basis. Dumpsters shall be purchased, procured or provided by the property owner and his agents, tenants or other occupants at their own cost. Dumpsters shall meet and conform to all health laws and the requirements of the Department of Public Works. Existing approved solid waste collection sites legally utilizing a dumpster may remain in place for private collection. Any new or proposed relocated solid waste collection sites shall be submitted for authorization and approval to the Borough for appropriate action.

§ 286-12.3 Defective Receptacles, Trash Cans and Dumpsters.

Receptacles that are broken or otherwise fail to meet the requirements set forth herein shall receive written notice to the responsible party by placing a notice, such as a sticker, on the defective receptacle. After ten days' written notice has been given to the responsible party pertaining to defective or illegal waste containers, such containers may be collected as refuse by the Borough or its authorized agent(s).

§ 286-12.4 Public Litter Containers.

No person shall deposit any solid waste or other debris generated from their commercial or residential properties in any public litter container placed upon the streets of the Borough for use by the public to prevent littering of streets. The use of these public litter containers is limited to disposal of small refuse by pedestrians such as candy wrappers and the like. The use of these public litter containers for any other waste is prohibited.

§ 286-12.5 Illegal Dumping.

A. No person shall deposit, dump or place any solid waste on any property situated in the Borough.

B. No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pool, lake, stream or other body of water in or adjacent to any tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in pollution of such waters.

§ 286-12.6 Origin of Solid Waste and Refuse.

No owner, lessee, tenant or other occupant or user of any building, private dwelling, apartment house, restaurant, motel, store, school, public building or business of any kind shall permit any solid waste or other refuse not originally generated at said premises to be placed at said premises for collection. No person shall transport any solid waste or other refuse from its point of original generation to a premises within the Borough for the purpose of disposal. No waste shall be placed for collection which was not generated from the premises of collection.

§ 286-12.7 Solid Waste Collector Permits.

Every solid waste collector shall conform to the provisions of this Chapter and all other applicable laws and regulations, including, but not limited to, the laws and regulations of the New Jersey Public Utilities Commission and the Monmouth County Solid Waste Management Plan governing the collection and disposal of solid waste. Only legally qualified collectors may be retained for service within the Borough prior to services being provided to any premises in the Borough.

§ 286-13 Placement and removal of receptacles at curbside; time constraints. Private Collection of Solid Waste at Certain Properties.

~~Garbage, trash and rubbish containers shall be placed curbside by 5:00 a.m. on the scheduled collection day. No garbage, trash and rubbish shall be placed at the curbside for collection more than 12 hours before the scheduled time for collection of same, and all empty containers shall be removed from the curbside within 12 hours after pickup.~~

A. Multifamily Residential Properties.

- (1) In the case of a parcel of real estate containing five or more dwelling units, including condominium developments, attached housing, garden apartments, townhouses, and parcels of real estate containing five or more dwelling units, the owners of said dwelling units shall provide a dumpster or a proper and sufficient number of authorized containers to store garbage, trash, and rubbish between collections and shall maintain said containers in good repair and in a clean and satisfactory condition.
- (2) The dumpster or authorized containers for trash or garbage, or dumpsters, shall be placed on the property in question in such a location as shall be designated by the Borough of Bradley Beach and shall be screened from view by neighboring properties and public streets.
- (3) The owners of said parcels of real property housing five or more dwelling units as hereinabove described may not place garbage, trash and rubbish containers at the curbside for pickup by the Borough, but must instead maintain an area on the parcel for storage of containers or dumpster and arrange for pickup of said containers or dumpster by the Borough in a location approved by the Borough. The costs of garbage, trash and rubbish removal and disposal fees will be paid by the Borough of Bradley Beach. The costs of the containers or dumpster and any additional cost for pickup from the designated solid waste storage area shall be paid by the property owners and not by the Borough.
- (4) Any property owner who does not wish to have garbage, trash and rubbish collection provided by the Borough of Bradley Beach or who cannot provide an accessible location approved by the Borough must arrange for private pickup and disposal. Said property owners shall submit a copy of their contracts for solid waste collection to the Borough of Bradley Beach if requested to do so.

B. Retail Food Establishments. Every retail food establishment will be provided with the pickup of solid waste of up to five trash cans per collection day, provided that this schedule does not result in the development of odors and the attraction of vermin. Every retail food establishment that cannot comply with the foregoing conditions as determined by the Borough or the establishment requests more frequent collection, shall have its own solid waste collected by a legally qualified solid waste collector. Collections shall occur at such other frequencies as to be determined by the Borough and in such a manner as to avoid or prevent a public health annoyance or nuisance including, but not limited to, the development of odors and the attraction of vermin.

**§ 286-14 ~~Collection subject to compliance with regulations and weather conditions.~~
Transportation and Storage of Waste.**

~~The collection of materials hereunder by the Borough is made conditional on the observance of all provisions of this chapter and is subject to weather and other conditions beyond the control of the Borough.~~

§ 286-14.1 Storage of Receptacles, Containers and Materials.

Except during the times permitted for collection as set forth in this Chapter, all trash, garbage, rubbish, waste, recyclable materials and trade waste, and all receptacles and containers therefor, whether empty or not, shall be stored or kept, as far as reasonably practicable, so that they are not visible from the streets or public rights-of-way and so that they do not otherwise constitute a nuisance to the occupants of any dwelling. In no event shall any trash, garbage, rubbish, waste, recyclable materials or trade waste, or any receptacles or containers therefor, be kept under or in close proximity to the windows or doors of any adjacent dwelling.

§ 286-14.2 Regulation of Vehicles.

- A. All vehicles used in transporting ashes, garbage, trash, rubbish, waste and other refuse material through the streets of the Borough shall be furnished by the owner or operator; must have a good and tight body; and, when loaded, shall be securely covered with a type of cover approved by the Borough so as to prevent their contents from being scattered upon the streets.
- B. No cart or other vehicle for carrying any garbage or rubbish, or the contents of any privy vault, cesspool or other receptacle for filth, or having upon or in it any manure or other nauseous or offensive substances, shall unnecessarily stand or remain near any building, place of business or other premises inhabited or occupied by any person. No person using such cart shall take an unreasonable length of time in loading or unloading or in passing along any street or through any inhabited place or ground within the Borough. No such cart or vehicle, its appurtenances, or the driver or person in control thereof shall be or allowed to be in a needlessly filthy or offensive condition. When not in use, all such carts, vehicles and all implements used in connection therewith shall be stored and kept in some place where no needless offense shall be given to any of the inhabitants of the Borough.
- C. Every private collector of solid waste, recyclables and waste materials and every collector authorized by the Borough to collect such items shall do so in vehicles approved for use by legally qualified waste haulers in accordance with N.J.A.C. 7:26-3.1 et seq. Said vehicles are to be kept clean and safe. No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed, loaded and covered so as to prevent any solid waste load or contents from being blown or deposited upon any street, alley or other public or private place in the Borough.

§ 286-15 Enforcement-Private Collectors.

~~The provisions of this article shall be enforced by the Code Enforcement Officer.~~

Every private collector of garbage and waste shall conform to the provisions of this Chapter and the regulations of the Public Works Department governing the collection and disposal of garbage, waste, trash, rubbish and refuse material. No collection shall be performed before 7:00 a.m. or after 10:00 p.m.

§ 286-16 Violations and penalties.

The provisions of this article shall be enforced by the Code Enforcement Officer. Any person(s) who is found in violation of the provisions of this Article shall be subject to the penalties in Chapter 1, Article II, General Penalty.

SECTION 2. Article III entitled “Recycling” of Chapter 286 entitled “Littering; Solid Waste Collection” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**ARTICLE III
RECYCLING**

§ 286-17 Purpose. Definitions.

~~The purpose of this article is to adopt regulations and requirements for separation and disposal of recyclable items as specified herein and to prescribe penalties for failure to comply with these regulations.~~

As used in this Article:

ALUMINUM shall mean any disposable items made of aluminum, including aluminum containers used for soda, beer and other beverages, screen frames and lawn chairs.

CONTAINER – See “RECEPTACLE”

CORRUGATED CARDBOARD shall mean any cardboard of the type used to make cardboard boxes, cartons, pasteboard and similar corrugated and kraft paper material that contains no grease, oil, food or other dry/wet residue. This does not include pizza boxes.

GARBAGE shall mean trash, rubbish, and any animal or vegetable waste from any kitchen, market or store or other place, or any trash, rubbish, or waste which, due to its animal or vegetable content, may decompose, cause odors, attract flies or insects, or be hazardous to the public health.

GLASS shall mean any products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matters, excluding, however, blue glass or flat glass (commonly known as window glass), as well as light bulbs and ceramic plates or dishes.

HIGH-GRADE PAPER shall mean any white and/or off-white stationery and photocopy and computer paper.

MIXED PAPER

- A. Shall mean magazines, catalogs, slick glossy advertising supplements, undeliverable or advertising mail, newsprint, envelopes with or without windows, phone book white pages, wrapping paper (non-metallic), NCR paper (carbonless copy paper), letterhead, colored and white copy paper, construction paper, text books without hard covers, softcover workbooks, fax paper, computer paper.
- B. The following items are not acceptable for inclusion in mixed paper: corrugated cardboard, chipboard, blueprints, brown paper bags, phone book yellow pages, carbon paper, plastic bags, napkins, tissues and paper towels.

NONRESIDENTIAL PROPERTY shall refer to all commercial establishments including properties that have a mix use of commercial and residential units. For collection purposes, a property containing mixed uses of multiple commercial and residential units, each unit residential/nonresidential will be considered separately.

PERSON shall include any individual, firm, trust, partnership, association, corporation, company or organization of any kind.

PLASTIC shall mean all products labeled PET, PETE or HDPE, with a pourable neck smaller than the body of the container, that contains no grease, oil, food or other dry/wet residue.

RECEPTACLE utilized for the collection and storage of garbage and recycling should be nonporous plastic or metal trash cans with handles. Each receptacle shall have a tight-fitting cover so constructed to prevent spilling or leakage of contents, the infiltration of water, and to be vermin-proof and shall be disinfected on a regular basis. Each residential and nonresidential unit shall be entitled to use up to five 32 gallon/50 pound trash cans for each collection. No receptacle loaded for collection shall weigh more than 50 pounds.

RETAIL FOOD ESTABLISHMENT shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public or nonprofit organization, institution or group preparing, storing or serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market; or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge; except that

agricultural markets, covered dish suppers or similar type of infrequent church or nonprofit type institution meal services shall meet the special provisions of N.J.A.C. 8:24-8; and further provided that any food and/or beverage vending machine shall meet the requirements of N.J.A.C. 8:24-14.

SCREEN or SHIELD is an enclosure or structure that serves to hide stored garbage and recycling containers from public view. Such structure should be constructed of sturdy material, resistant to high winds and inclement weather, that is in appearance consistent, and is at least aesthetically neutral with surroundings.

SOLID WASTE shall include all garbage and refuse normally produced by the occupants of residential and nonresidential property and disposed of by private or public pickup and defined as "solid waste" by the New Jersey Solid Waste Management Act.

TIN AND BIMETAL CANS includes all metal containers, which are magnetic in nature, commonly used to package food products.

§ 286-18 Definitions-Residential Collection.

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

~~ALUMINUM CANS~~ includes aluminum containers used for soda, beer, or other beverages, and for prepared food.

~~AUTHORIZED RECYCLING CONTAINER~~ shall mean a leakproof container constructed of galvanized metal or rigid plastic of equivalent strength having a capacity of not less than 12 gallons nor more than 38 gallons, not more than 38 inches in height, having handles for lifting and having a tight fitting cover, except that approved containers distributed by the Borough for recycling purposes are also authorized containers regardless of size. No container shall weigh more than 50 pounds.

~~CORRUGATED CARDBOARD~~ includes cardboard of the type used to make cardboard boxes, cartons, pasteboard, and similar corrugated and craft paper material.

~~GLASS~~ includes all products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matters, excluding, however, blue glass or flat glass (commonly known as window glass), as well as light bulbs and ceramic plates or dishes.

~~HIGH-GRADE PAPER~~ includes white and/or off-white stationery and photocopy and computer paper.

MIXED PAPER

A. ~~Includes magazines, catalogs, slick glossy advertising supplements, undeliverable or advertising mail, envelopes with or without windows, phone book white pages, wrapping paper (non-metallic), and NCR paper (carbonless copy paper).~~

(1) ~~From schools: letterhead, colored and white paper, construction paper, text books without hard covers, softcover workbooks, envelopes and all items listed above.~~

(2) ~~From offices: fax paper, computer paper, colored and white copy paper, letterhead, envelopes and all items listed above.~~

B. ~~The following items are not acceptable for inclusion in mixed paper: newsprint, corrugated cardboard, chipboard, blueprints, brown paper bags, phone book yellow pages, carbon paper, plastic bags, napkins, tissues and paper towels.~~

~~**POURABLE BEVERAGE AND LAUNDRY PLASTIC CONTAINERS** includes pourable liquid containers such as from milk, soda, juice, water and detergent. These containers are identified by the symbols 1 or 2 on the bottom of the container.~~

~~**TIN AND BIMETAL CANS** includes all metal containers, which are magnetic in nature, commonly used to package food products.~~

§ 286-18.1 Recycling Collection.

Each residential unit shall receive curbside recycling pickup of up to five trash cans per collection day as described in Section 286-21 hereof, subject to the following:

A. All residential properties shall be provided municipal collection services for aluminum, corrugated cardboard, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans in accordance with this Chapter and according to the schedules developed and announced by the Department of Public Works.

B. No household trash, garbage, rubbish, or solid waste shall be disposed of in any trash can containing any aluminum, corrugated cardboard, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans or other recyclables.

C. All aluminum, corrugated cardboard, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans shall be deposited in approved containers and placed at curbside not earlier than 5:00 p.m. on the night before collection day and no later than 5:00 a.m. on the day of collection. The containers shall be removed from the curb or place of collection by not later than 6:00 p.m. on the day of collection.

- D. Cardboard materials should be separated from household trash and included with recycling pursuant to Section 286-20 hereof.
- E. All containers for storage of recyclables should be stored or kept, as far as reasonably practicable, and appropriately shielded from public view using "screens" or "shields" to prevent visibility of containers from the street and such screens or shields should not be located in the front yard of any property.

§ 286-18.2 Holidays.

The Borough will not make any recycling collections on New Year's Day, Thanksgiving Day, and Christmas Day, or whenever the Director of Public Works declares an emergency, but collections will be made on the next regularly scheduled pickup.

§ 286-19 Separation of recyclables required. Nonresidential Collection.

~~All owners, tenants, occupants and/or operators of residential properties, business and industrial properties and of private, public and governmental institutions and buildings, shall separate leaves, glass bottle and jars, aluminum cans, newspapers, all pourable beverage and laundry plastic containers and mixed paper, as hereinafter defined, from all other solid waste produced by such residential and nonresidential establishments for collection and ultimate recycling of these materials.~~

- A. Nonresidential properties shall receive curbside recycling pickup of up to five trash cans per collection day as described in Section 286-21 hereof.
- B. Nonresidential properties which the Borough determines require a greater level of service than provided in Subsection A hereinabove, must contract with an approved private recycling collection service and submit such proof of same as the Recycling Coordinator may require.
- C. Municipal buildings, firehouses, first aid squads, and charitable organizations as defined by N.J.S.A. 45:1A-20 in the Borough shall receive recycling collection by the Borough or its agents on a schedule to be determined by the Department of Public Works. All other public buildings and nontaxpaying properties shall be considered nonresidential properties for the purposes of this Chapter.
- D. Nonresidential establishments shall develop separate handling systems for the storage and ultimate recycling of aluminum, corrugated cardboard, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans pursuant to this Chapter.

§ 286-20 ~~Additional rules for nonresidential establishments.~~Separation, Preparation and Handling of Recycling.

Nonresidential establishments shall develop separate handling systems for the storage and ultimate recycling of high-grade paper (photocopy, computer paper, stationery) and corrugated cardboard, in addition to the separation of the materials specified above.

- A. All owners, tenants, occupants and/or operators of all private properties, public properties, and governmental institutions and buildings, shall separate aluminum, corrugated cardboard, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans from all other solid waste produced by such properties for collection and ultimate recycling of said materials. No motor oil containers, mirrors, bulbs, dishes, ceramics, window glass, plastic bags, or broken bottles or broken glass shall be placed with recyclables. Recyclables shall be thoroughly cleaned and completely drained of all water, and placed in a receptacle as described in Section 286-21.
- B. The Borough shall collect recyclables through single-stream recycling, including aluminum, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans, which shall be placed in an authorized recycling receptacle as described in Section 286-21, or may be collapsed, folded and tied securely. Any bundles shall be two feet by two feet maximum size and shall not exceed 20 pounds. No wood pallets or trash inside of boxes will be collected. All recyclables may also be brought by Borough property owners to the Borough's Recycling Center.
- C. Cardboard materials should be separated from household trash and other recyclable materials, neatly bound with cord or string.

§ 286-21 ~~Recycling program for residential property.~~Receptacles, Placement, and Removal.

- A. ~~All owners, tenants, occupants and/or operators of every residential dwelling unit as outlined above shall separate from trash those items required to be recycled, which items shall be left at the curb separate from trash, garbage, and rubbish for collection by the Borough of Bradley Beach at times scheduled for collection of same. The recyclable materials collection schedule is available for inspection in the Borough Clerk's office and/or at the Police Department.~~
- B. ~~All recyclable materials must be placed curbside by 5:00 a.m. on the scheduled collection day. No recyclables shall be placed at the curbside for collection more than 12 hours before the scheduled time for collection of same, and all empty containers shall be removed from the curbside within 12 hours after pickup.~~

§ 286-21.1 Receptacles or Trash Cans.

All of the recyclables placed for collection must be deposited in nonporous plastic or metal trash cans with handles. Each receptacle shall have a tight-fitting cover so constructed to prevent spilling or leakage of contents, the infiltration of water, and to be vermin-proof and shall be disinfected on a regular basis. Each residential and nonresidential unit shall be entitled to use up to five 32 gallon/50 pound trash cans for each collection. No receptacle loaded for collection shall weigh more than 50 pounds.

§ 286-21.2 Dumpsters.

Sufficient facilities must be provided in, on and at nonresidential properties for the storage of recyclables produced or generated from the property. For premises utilizing dumpsters, no recyclables shall be placed in plastic bags, but must be placed directly into the dumpster. Dumpsters must be protected from the infiltration of water by an enclosure or a watertight lid, and must be vermin-proof. All dumpsters must be disinfected on a regular basis. Dumpsters shall be purchased, procured or provided by the property owner and his agents, tenants or other occupants at their own cost. Dumpsters shall meet and conform to all health laws and the requirements of the Department of Public Works. Existing approved recycling collection sites legally utilizing a dumpster may remain in place for private collection. Any new or proposed relocated recycling collection sites shall be submitted for authorization and approval to the Borough for appropriate action. The location of non-residential dumpsters should be a distance no less than 10 feet from any property line(s) shared with residential properties.

§ 286-21.3 Defective Receptacles, Recycling Cans and Dumpsters.

Receptacles that are broken or otherwise fail to meet the requirements set forth herein shall receive written notice to the responsible party by placing a notice, such as a sticker, on the defective receptacle. After ten days' written notice has been given to the responsible party pertaining to defective or illegal waste containers, such containers may be collected as refuse by the Borough or its authorized agent(s).

§ 286-21.4 Origin of Recyclables.

No owner, lessee, tenant or other occupant or user of any building, private dwelling, apartment house, restaurant, motel, store, school, public building or business of any kind shall permit any recyclables not originally generated at said premises to be placed at said premises for collection. No person shall transport any recyclables from their point of origin to a premises within the Borough for the purpose of disposal. No recyclables shall be placed for collection which were not generated from the premises of collection.

§ 286-21.5 Recycling Collector Permits.

Every recyclables collector shall conform to the provisions of this Chapter and all other applicable laws and regulations, including, but not limited to, the laws and regulations of the New Jersey Public Utilities Commission and the Monmouth County Solid Waste Management Plan governing the collection and transfer of recyclables. Only legally qualified collectors may be retained for service within the Borough prior to services being provided to any premises in the Borough.

§ 286-22 ~~Recycling program for commercial property and multifamily residential property.~~ Private Collection of Recycling at Certain Properties.

~~In the case of a commercial property, including restaurants, or parcels of real estate containing five or more dwelling units, including condominium developments, attached housing, garden apartments, and townhouses, the owners of said parcels shall provide a proper and sufficient number of authorized containers to store recyclables between collections and shall maintain said containers in good repair and in a clean and satisfactory condition and shall be screened from view by neighboring properties and public streets. It is the property owner's responsibility to notify all tenants of these regulations.~~

A. Multifamily Residential Properties.

- (1) In the case of a parcel of real estate containing five or more dwelling units, including condominium developments, attached housing, garden apartments, townhouses, and parcels of real estate containing five or more dwelling units, the owners of said dwelling units shall provide a dumpster or a proper and sufficient number of authorized containers to store aluminum, corrugated cardboard, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans between collections and shall maintain said containers in good repair and in a clean and satisfactory condition.
- (2) The dumpster or authorized containers for trash or garbage, or dumpsters, shall be placed on the property in question in such a location as shall be designated by the Borough of Bradley Beach and shall be screened from view by neighboring properties and public streets.
- (3) The owners of said parcels of real property housing five or more dwelling units as hereinabove described may not place recycling containers at the curbside for pickup by the Borough, but must instead maintain an area on the parcel for storage of containers or dumpster and arrange for pickup of said containers or dumpster by the Borough in a location approved by the Borough. The costs of recycling collection and disposal fees will be paid by the Borough of Bradley Beach. The costs of the containers or dumpster and any additional cost for pickup from the designated recycling storage area shall be paid by the property owners and not by the Borough.

(4) Any property owner who does not wish to have recycling collection provided by the Borough of Bradley Beach or who cannot provide an accessible location approved by the Borough must arrange for private pickup and disposal. Said property owners shall submit a copy of their contracts for recycling collection to the Recycling Coordinator.

B. *Retail Food Establishments.* Every retail food establishment will be provided with the pickup of aluminum, corrugated cardboard, glass, high-grade paper, mixed paper, plastic, and tin and bimetal cans of up to five trash cans per collection day, provided that this schedule does not result in the development of odors and the attraction of vermin. Every retail food establishment that cannot comply with the foregoing conditions as determined by the Borough or the establishment requests more frequent collection, shall have its own recycling collected by a legally qualified collector. Collections shall occur at such other frequencies as to be determined by the Borough and in such a manner as to avoid or prevent a public health annoyance or nuisance including, but not limited to, the development of odors and the attraction of vermin.

§ 286-23 Recycling procedures, Transportation and Storage of Recyclables.

~~A. The Borough shall collect recyclables through single-stream recycling, which includes: newspaper, mix paper, high grade paper (computer paper, printouts, tab cards, and white paper) metal, plastic, glass containers, aluminum cans, tin cans, plastic. Cardboard and corrugated boxes (unwaxed) may be placed in an authorized recycling container with a secured lid or may be collapsed, folded and tied securely. Bundles must be two feet by two feet maximum size and shall not exceed 30 pounds. Cardboard can also be brought to the Recycling Center. Absolutely no wood pallets or trash inside of the boxes will be collected.~~

~~(1) All of the above mentioned items may be brought to the Borough trash/recycling lot located on Main Street.~~

~~B. Metal, plastic and glass containers: All cans, bottles and plasties should be washed to control bugs and odors. No motor oil containers, mirrors, bulbs, dishes, ceramics or window glass. No plastic bags and no broken bottles or glass should be placed with these items.~~

~~C. Batteries: A, AA, AAA, C, D and nine volt batteries may be placed with household trash for collection, Silver "button" batteries and rechargeable/battery pack (like those found with power tools, laptops, etc.) and car batteries can be brought to the Monmouth County Hazardous Waste Facility.~~

~~D. The owner, tenant, occupant or operator of every residential and/or commercial establishment shall provide a proper and sufficient number of authorized containers as~~

~~herein defined for the storage of recycling material between collections. It shall be the duty of said owner, tenant, occupant, or operator of every residential and/or commercial establishment to maintain such containers in good repair in a clean and satisfactory condition, and to store properly therein. In residential zones, containers and dumpsters shall not be stored in front yards without an approved screen from Code Enforcement Office. In all other zones, containers and dumpsters shall be screened from the public view from the front yards of neighboring properties and public streets. The screens shall be constructed from a weather resistant material or fence like material that is approved by the Code Enforcement Office prior to installation.~~

§ 286-23.1 Storage of Receptacles, Containers and Materials.

Except during the times permitted for collection as set forth in this Chapter, all recyclable materials, and all receptacles and containers therefor, whether empty or not, shall be stored or kept, as far as reasonably practicable, so that they are not visible from the streets or public rights-of-way and so that they do not otherwise constitute a nuisance to the occupants of any dwelling. In no event shall any recyclable materials, or any receptacles or containers therefor, be kept in proximity to windows or doors of any adjacent dwelling.

§ 286-23.2 Regulation of Vehicles.

A. All vehicles used in transporting recyclable material through the streets of the Borough shall be furnished by the owner or operator; must have a good and tight body; and, when loaded, shall be securely covered with a type of cover approved by the Borough so as to prevent their contents from being scattered upon the streets.

B. Every private collector of recyclable materials and every collector authorized by the Borough to collect such items shall do so in vehicles approved for use by legally qualified haulers in accordance with N.J.A.C. 7:26-3.1 et seq. Said vehicles are to be kept clean and safe. No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed, loaded and covered so as to prevent any recyclable material from being blown or deposited upon any street, alley or other public or private place in the Borough.

§ 286-24 Enforcement. Private Collectors.

~~The provisions of this article shall be enforced by the Code Enforcement Officer.~~
Every private collector of recycling shall conform to the provisions of this Chapter and the regulations of the Public Works Department governing the collection and disposal of recyclables. No collection shall be performed before 5:00 a.m. or after 10:00 p.m.

§ 286-25 Violations and penalties.


The provisions of this article shall be enforced by the Code Enforcement Officer. Any person(s) who is found in violation of the provisions of this Article shall be subject to the penalties in Chapter 1, Article II, General Penalty.

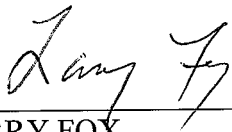
SECTION 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.


ERICA KOSTYZ
Municipal Clerk


LARRY FOX
Mayor

Introduced: June 9, 2021

Date of Hearing and Adoption: June 22, 2021