

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

ORDINANCE NO. 1194-21

**ORDINANCE REPEALING ORDINANCE 1164-20 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 1164-20, 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 1. That Chapter 10 Section 3, shall be deleted in its entirety and restated as follows:

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

§ 10-3.1 Definitions.

For the purposes 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.** DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS or DIRECTOR — Shall mean the Director of the Department of Public Works of the City of Wildwood.
- c.** GARBAGE — Shall mean putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.
- d.** PERSON — Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- 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.** 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.
- g.** PUBLIC COLLECTOR — Shall mean the Department of Public Works of the City of Wildwood or the contracted service provider.
- h.** COLLECTOR — Shall mean either private collector or public collector as herein defined.
- i.** REFUSE — Shall mean all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes, excepting, however, any non-putrescible solid wastes which are subject to the Recycling Ordinance of the City of Wildwood.
- j.** RUBBISH — Shall mean non-putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal cans, yard clippings, wood, glass, bedding, crockery and similar materials, excepting, however, any non-putrescible solid wastes which are subject to the Recycling Ordinance of the City of Wildwood.
- k.** SUFFICIENT (as applied to refuse receptacles) — Shall mean at least one receptacle for each family unit or other occupant of the premises for which the receptacles are provided, and at least two receptacles for each restaurant, market, store or similar business establishment where refuse accumulates.
- l.** 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.

§ 10-3.2 - General Supervision

All refuse accumulated in the City of Wildwood shall be collected, conveyed and disposed of under the supervision of the director. The director shall have the authority to make regulations concerning the days of collection by the public collector, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

§ 10-3.3 Required Receptacles

a. 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 for garbage and trash, and shall be placed at the location most convenient for collections.

b. Where refuse is collected by a private collector, receptacles for refuse from multi-dwelling units or industrial premises may not have a greater capacity than that prescribed in Section 10-3.7a(2), provided that they are leak-proof, constructed of metal or plastic, equipped for being handled by motorized equipment, cleaned and sanitized as needed after emptying, and replaced by the same type of receptacle if removed for emptying.

§ 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

Refuse receptacles shall not be set out for collection except after 9:00 p.m. prior to the day scheduled for the collection of refuse and not later than 7:00 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 for garbage and trash shall be of rigid construction, have a snug-fitting top, be watertight and have suitable handles. A suitable number of such receptacles shall be provided by every owner, occupant or proprietor at each location.

2. The receptacles placed curbside for collection shall not exceed 96-gallon in capacity. Each receptacle shall be kept clean and clearly marked with the address. No rainwater or other liquid shall be allowed to enter the same.

3. No person shall sprinkle or place any hazardous substance upon any refuse.

4. In its discretion, the Board of Commissioners may amend, by resolution, the provisions of this subsection.

5. No plastic bags shall be placed curbside.

6. Use of plastic bags as a receptacle is prohibited.

7. Each residential unit shall be limited to (4) trash cans not to exceed ninety-six (96) gallons each.

b. Commercial/Mixed Use Properties

1. The receptacles for garbage and trash shall be of rigid construction, have a snug-fitting top, be watertight and have suitable handles. A suitable number of such receptacles shall be provided by every owner, occupant or proprietor at each location.

2. The receptacles placed curbside for collection shall not exceed 96-gallon in capacity. Each receptacle shall be kept clean and clearly marked with the address. No rainwater or other liquid shall be allowed to enter the same.

3. No person shall sprinkle or place any hazardous substance upon any refuse.

4. In its discretion, the Board of Commissioners may amend, by resolution, the provisions of this subsection.

5. No plastic bags shall be placed curbside.

6. Use of plastic bags as a receptacle is prohibited.

7. Commercial/Mixed Use Properties shall be permitted to have two (2) yard dumpsters for use at the property.

8. Each commercial unit shall be limited to four (4) trash cans not to exceed ninety-six (96) gallons each or one, two (2) yard dumpster.

9. All dumpsters must be placed in a manner similar to trash cans for pick up and promptly returned.

§ 10-3.8 - Storage of Refuse.

a. No person shall place any refuse in any street, alley or other public place, or upon any private property, whether owned by such person or not, within the City of Wildwood, except in proper containers for collection or under express approval granted by the director.

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 a nuisance 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 it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.

§ 10-3.9 - Vehicles.

Any vehicle used for the collection and removal of refuse shall have a fully enclosed watertight body which shall be so 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, rubbish, 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 collection in a quiet, decent, careful and diligent manner.

§ 10-3.11 - Collection Practices.

a. The public collector shall collect refuse, excepting bulk items, from all properties in the City of Wildwood on days and at the times as from time to time established by the director, provided that every property which is in compliance with the provisions of this section shall have its refuse collected at least two days per week during the months of June, July, August and September, starting seven (7) days prior to Memorial Day and ending September 30th. During the months of January, February, March, April, May, October, November and December, collection shall occur once per week other than Sunday. 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. Bulky items such as furniture, rugs, refrigerators, stoves, washers, dryers, mattresses and television sets may be placed at curbside for free pickup by the public collector on a weekday during the months of May and October, which day or days will be determined from time to time by the director. Each household shall be limited to six (6) bulk items for pickup.

c. Other than the free bulks days in May and October as identified above, bulky items may be placed at the curb for removal by the public collector, only after prior arrangement for such removal has been made with the director 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 director 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 Charge
Buffet	\$15.00
Carpet – per room	\$15.00
Chair-Unupholstered	\$10.00
Chest	\$10.00
Coffee Table	\$10.00
Desk	\$15.00
Dishwasher	\$25.00
Dresser	\$15.00
Dryer	\$25.00
Electronics	\$15.00
Fan	\$10.00
Frames	\$10.00
Freezer	\$30.00
Furniture – misc.	\$10.00
Grill/Barbecue	\$15.00
Heater	\$25.00
Ladder	\$15.00
Lamp	\$10.00
Lawn Mower	\$15.00
Refrigerator	\$30.00
Sewing Machine	\$10.00
Stove/Oven	\$25.00
Table	\$10.00
Vacuum Cleaner	\$10.00
Washer	\$25.00

Items Which Must Be Wrapped in Plastic and Sealed

Box Springs	\$15.00
Chair – Upholstered	\$10.00
Cot	\$15.00
Couch	\$20.00
Futon	\$15.00
Mattress	\$15.00
Rug Padding/per room	\$15.00
Sofa Bed	\$20.00
Carpet – per room	\$15.00

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 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

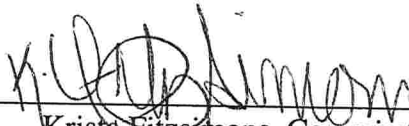
If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared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

Section 3. Repealer

Ordinance 1164-20 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

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



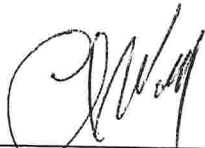
Krista Fitzsimons, Commissioner



Steve Mikulski, Commissioner

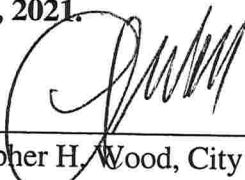


Peter Byron, Mayor

Attest: 

Christopher H. Wood, City Clerk

**The above ordinance was introduced and passed first reading on February 24, 2021.
Second Reading/Public Hearing on the above ordinance was held on March 10, 2021.
The above ordinance passed second reading on March 10, 2021.**



Christopher H. Wood, City Clerk