

ORDINANCE 2023-02

**AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY
OF OCEAN, STATE OF NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER 17 OF THE BOROUGH CODE ENTITLED
– SOLID WASTE MANAGEMENT**

Language in [brackets] is thus deleted, language in ***bold and italics*** is thus new language.

Chapter 17. Solid Waste Management

§ 17-1. COLLECTION OF GARBAGE AND REFUSE.

§ 17-1.1. Regulations Governing Preparation for Collection.

The following regulations shall control the preparation of [refuse, trash and] garbage to be collected by [employees of] this Borough.

[a.

Tree trimmings, logs, hedge clippings and similar materials shall be cut to a length not to exceed four (4') feet and shall be securely tied in bundles not more than two (2') feet thick and weighing not more than fifty (50) pounds each before being deposited just inside the curblin[e] for collection.]

a.

The Borough shall provide each to each residential property one (1) garbage receptacle to allow for the collection of household garbage. Each residential property owner shall have the option of purchasing the use of a second garbage receptacle from the Borough at a cost to be set by Resolution by the Mayor and Council. All Borough provided garbage receptacles are assigned to properties within the Borough and in all cases remain the property of the Borough.

[b.] b.

All garbage for pickup shall be placed in [a watertight metal or plastic container with a tight lid. The container shall be limited in size to a capacity of not more than fifty (50) pounds of contents] the garbage receptacle provided by the Borough. Garbage which is not placed in the receptacle provided by the Borough will not be collected. The container shall be kept in a serviceable condition at all times. On the days designated by the Borough for garbage collection, [Each container] the garbage receptacle shall be placed for collection just [inside] outside of the curb[line] with the Borough Seal and the metal bar facing the street.

[c.

Old lumber, shingles, wallboard or other old building material or debris shall be stacked and securely tied in bundles of not more than four (4') feet in length and weighing not more than fifty (50) pounds each. Such bundles shall be placed just inside the curblin[e] for municipal collection.

d.

Each box, carton or other container must be flattened out and disassembled so as to be readily and easily handled. No part of any such article shall exceed four (4') feet in length or weigh more than fifty (50) pounds when deposited for municipal collection.

e.

All grass, weeds and similar growths shall be placed in a container so they may be readily emptied into the municipal collection vehicle.

f.

All broken glass or any other dangerous material shall be placed in a secure container to facilitate safe loading of broken glass or other dangerous material.

g.

Garbage shall not be mixed with or placed in the same container with any other refuse referred to in this section.

h.

Each container of garbage or trash shall be so staked or otherwise stabilized by the property owner, tenant or other person placing garbage or refuse for collection or from whose property such garbage or trash is proposed to be collected, that it does not upset or cannot be readily overturned, as by a dog or child.]

[i] b.

If any [container or] garbage **receptacle** [or refuse] is upset or overturned, the property owner, tenant or other person placing garbage for municipal collection, shall promptly clean up spilled garbage [or refuse] and restore it to a watertight container with a tight lid.

[j].

No person shall place any of the items referred to in this subsection in any street or highway, or block the sidewalk/walkway, either for municipal collection or other disposal.]

[k] c.

All garbage receptacles shall be placed [at the curblin] **just outside the curb** not earlier than 4:00 p.m. on the day preceding collection, and the cans removed not later than 9:00 p.m. of the day of collection.

d.

Non-metal bulk garbage items shall be collected by appointment once per month by the Borough on a schedule to be set by the Director of Public Works and approved by the Mayor

and Council. On each non-metal bulk garbage collection day, each residential property shall be permitted to have two (2) bulk items picked up by the Borough.

§ 17-1.2. Failure to Follow Regulations.

If any one (1) or more of the above regulations are not followed by the property owner, tenant or other person desiring municipal collection, the municipality or its employees shall not be obliged to make collection of the items concerning which any one (1) or more of the above regulations have not been followed. [When any of the items named in or referred to in subsection **17-1.1** hereof are placed at or just inside the curblin it shall be assumed the same are so placed for municipal garbage and refuse collection and disposal.]

§ 17-1.3. Prohibition Against Collecting Unprepared Materials.

No garbage shall be collected of the items referred to in subsection **17-1.1** hereof unless and until such items are prepared for collection and disposal as referred to and as directed in subsection **17-1.1** hereof.

§ 17-1.4. Report of Noncompliance.

If any Borough employee observes a noncompliance with any of the regulations in subsection **17-1.1**, he/*she* shall immediately notify the **Borough Office of Code Enforcement** [Police Department, who shall notify the adjacent tenant or landowner of the noncompliance and the reason for not making the collection. Such notice may be given personally or a written statement thereof shall be left on the premises].

§ 17-1.5. Further Regulations Not Restricted.

The adoption of this section shall not be construed as limiting the Borough from further regulating the pickup days of [trash and] garbage and [the removal of heavy and/or cumbersome trash] **and non-metal bulk garbage** items.

§ 17-1.6. Violations and Penalties.

Any person convicted of any of the provisions of this section shall be liable to the penalty stated in Chapter I, Section 1-5.

§ 17-1.7. Eligibility for Collection.

Residences [and institutional establishments], as defined in Borough Code § 17-2.3, Definitions, shall be eligible for the collection of garbage *and non-metal bulk garbage items* [and refuse].

§ 17-2. RECYCLING.

§ 17-2.1. Short Title.

This section shall be known and may be cited as the Recycling Regulations of the Borough of Island Heights.

§ 17-2.2. Authorization.

This section is adopted pursuant to the New Jersey Statewide Mandatory Source Separation Recycling Act, P.L. 1987, c. 102, which requires that each municipality in the State adopt an ordinance providing for the separation from the municipal solid waste stream of specified recyclable materials and establishing a collection system for the same.

§ 17-2.3. Definitions.

As used in this section:

ALUMINUM CANS

All empty aluminum beverage and food containers.

COMMERCIAL ESTABLISHMENTS

Those properties used primarily for commercial purposes, including, but not limited to, boat clubs, houses of worship, marinas, professional offices, repair shops, restaurants, and retail stores; and those multiple dwelling residential buildings containing more than four dwelling units.

COVERED PROJECT

A construction, renovation, or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of solid waste materials placement.

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the Ocean County District Solid Waste Management Plan to be source separated for the purpose of recycling.

DUAL STREAM

Shall mean:

a.

COMMINGLED

All plastic bottles; aluminum and steel cans.

b.

PAPER

Magazines, catalogues, junk mail, used writing paper, newsprint, cardboard, office and school paper. No chipboard or pizza boxes.

ELECTRONIC WASTE

A computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four (4") inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

FERROUS CONTAINERS

Empty steel or tin food or beverage containers.

GLASS CONTAINERS

Bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products.

INSTITUTIONAL ESTABLISHMENTS

Those facilities that house or serve groups of people, including but not limited to, hospitals, schools, nursing homes, libraries and governmental offices.

MULTIFAMILY DWELLING

Any building or structure, or complex of buildings in which three (3) or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13-A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the municipal Governing Body and who shall be authorized to, among other things, enforce the provisions of this section, and any rules and regulations which may be promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Borough of Island Heights.

NEWSPAPERS

Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled. Newspapers shall be deemed soiled if they have been exposed to substances or conditions rendering them unusable for recycling.

RECYCLABLE MATERIAL

Those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

RESIDENCE

Any occupied single or multi-family dwelling having up to four (4) dwelling units per structure from which a municipal or private hauler collects solid waste.

SINGLE STREAM

The combination of commingled and paper listed above in one container. Do not include plastic bags, food waste, paper towels, paper napkins, pizza boxes, egg cartons, aluminum foil, plastic cups and utensils. No plastic other than bottles. No juice boxes or bags. No garbage.

SOLID WASTE

Garbage, refuse, and other discarded solid materials normally collected by a municipal or private hauler.

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION

The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

WHITE GOODS

Appliances, air conditioners, refrigerators, stoves, hot water heaters, ice makers, and freezers.

§ 17-2.4. Establishment of Program.

There is hereby established a program for the mandatory separation of the following recyclable materials from the municipal solid waste stream by all persons within the Borough, hereinafter referred to as the "municipality":

1.

Aluminum cans.

2.

Ferrous containers.

3.

Glass containers.

4.

Newspapers.

5.

All other materials designated as being recyclable by the Ocean County Department of Solid Waste

§ 17-2.5. Separation of Recyclables and Placement for Collection [Disposal].

a.

The Borough shall provide to each commercial, institutional and residential property, one (1) recyclable materials receptacle for the collection of recyclable materials. Each property owner shall have the option of purchasing the use of a second recyclable materials receptacle at a cost to be set by Resolution by the Mayor and Council. All recyclable materials receptacles are assigned to properties within the Borough and in all cases remain the property of the Borough.

b.

Mandatory Source Separation. It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Borough of Island Heights, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed [separately] at the curb ***in the recyclable materials receptacle provided by the Borough with the Borough Seal and the metal bar facing the street,*** [a manner and] on such days and times as may be hereinafter established by regulations promulgated by the Borough of Island Heights. ***Recyclable materials that are not placed in the receptacle provided by the Borough will not be collected.***

[b.

Newspapers shall be bundled and tied with twine and placed at the curb or other designated area for collection at such times and dates as are established in the municipality's recycling regulations. The

maximum weight of each bundle of newspaper shall not exceed thirty (30) pounds (approximately twelve (12") inches high).]

c.

Every commercial establishment and multifamily dwelling consisting of five or more dwelling units shall submit annually to the Municipal Recycling Coordinator proof of removal of designated recyclable materials from their premises, including the total weight and type of recycling material collected and recycled, and the vendor(s) providing said service.]

[d] c.

All [containers containing] recyclable materials **receptacles** shall be placed, prior to collection [between] just outside the curb [and the sidewalk, or in the absence of the curb and sidewalk, as near to the street as not to constitute a danger], where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles [or other items to be disposed of] shall be placed as noted above any time after 4:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, [any containers] all receptacles shall be removed from the curbside by no later than [7]9:00 p.m. of the day of collection.

d.

White goods (scrap metal) shall be collected by the Borough a minimum of once per month on a schedule to be set by the Director of Public Works and approved by the Mayor and Council. White goods placed for collection which contained refrigerant must be certified to be refrigerant free by a licensed provider prior to collection.

e.

All **recyclable materials** receptacles [or dumpsters] shall be kept clean and in a safe manner.

§ 17-2.6. Separation of Leaves and Placement for Disposal.

All persons within the municipality shall separate leaves from other solid waste generated at their premises and, unless the leaves are stored or recycled for composting or mulching on the premises, place the leaves at the curb or other designated area for collection at such times and dates and in the manner established by the municipality's recycling regulations.

§ 17-2.7. Alternative Collection of Recyclable Materials.

Any person may donate or sell recyclable materials to individuals or organizations authorized by the municipality in its recycling regulations. These materials may either be delivered to the individual's or organization's site or they may be placed at the curb for collection by the individual or organization on days not designated as recyclable material collection days in the municipality's recycling regulations. The individuals or organizations may not collect recyclable materials on or within the twenty-four (24) hours immediately preceding a regularly scheduled curbside collection day and shall, prior to June 1 of each year, provide written documentation to the municipality of the total amount of material recycled during the preceding calendar year.

§ 17-2.8. Collection by Unauthorized Persons.

It shall be a violation of this section for any unauthorized person or organization to collect, pick up or cause to be collected or picked up within the boundaries of the municipality any of the recyclable materials designated in subsection 17-2.4 of this section. Each such collection in violation of this section shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 17-2.9. Enforcement and Administration.

The municipality, Recycling Coordinator and/or Superintendent of Public Works is hereby authorized and directed to establish and promulgate reasonable regulations detailing the manner, days and times for the collection of the recyclable materials designated in subsection 17-2.4 of this section and such other matters as are required to implement this section. Such regulations shall take effect only upon the approval of the Mayor and Council by adoption of a resolution implementing the same. The municipality, Recycling Coordinator and/or Superintendent of Public Works is hereby authorized and directed to enforce the provisions of this section and any implementing regulations adopted hereunder. The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer and the Ocean County Department of Health are hereby individually and severally empowered to enforce the provisions of this section. An inspection may

consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 17-2.10. Exemptions.

Pursuant to N.J.S.A. 13:1E-99.16(d), the Governing Body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the Municipal Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and telephone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the Municipal Recycling Coordinator of the total number of tons collected and recycled for each designated material.

§ 17-2.11. Residential Dwelling Compliance Requirements.

The owner of any property shall be responsible for compliance with this section. For multi-family units, the management or owner is responsible for establishing and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to the new tenants when they arrive and every six (6) months during their occupancy.

§ 17-2.12. Nonresidential Establishment Compliance Requirement.

a.

All commercial establishment generators of solid waste shall be required to comply with the provisions of this section.

b.

The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial establishment property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial establishments which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

c.

Every commercial establishment shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled, and the vendor or vendors providing recycling service.

§ 17-2.13. New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties. (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c.)

a.

Any application to the Planning Board of the municipality of the Borough of Island Heights, for subdivision or site plan approval for the construction of multi-family dwellings of three (3) or more units, single-family developments of fifty (50) or more units or any commercial, institutional, or industrial development for the utilization of one thousand (1,000) square feet or more of land, must include a recycling plan. This plan must contain at a minimum, the following:

1.

A detailed analysis of the expected composition and amount of solid waste and recyclables generated at the proposed development; and

2.

Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.

b.

Prior to the issuance of a Certificate of Occupancy by the municipality of the Borough of Island Heights, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

c.

Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.

§ 17-2.14. Prohibition of the Collection of Solid 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 resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate 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 those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§ 17-2.15. Construction, Renovation and Demolition Debris Recovery Plan.

A debris recovery plan shall be filed with the Municipal Recycling Coordinator prior to the commencement of any activity for which municipal approval as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of fifty (50%) percent of the materials to be generated will be separated and recycled.

§ 17-2.16. Review of Debris Recovery Plan.

a.

Approval. A debris recovery plan shall be reviewed by the Municipal Recycling Coordinator, and approved if it provides for all the information required by this section. An approved debris recovery plan shall be marked "Approved" and returned to the owner of the entity which submitted the plan.

b.

Denial. A debris recovery plan shall not be approved if it does not provide all of the information required by this section. If a debris recovery plan is not approved, the owner of the entity, which submitted the plan, shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity, which will carry out the construction, renovation, or demolition project, shall make the required changes and resubmit the debris recovery plan to the Municipal Recycling Coordinator.

§ 17-2.17. Diversion Requirement Adjustment.

a.

Application. If the owner of an entity carrying out a covered project experiences circumstances that make it infeasible to comply with the diversion requirement cited in this section, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert fifty (50%) percent of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.

b.

Review. The Municipal Recycling Coordinator shall review the information supplied by the owner. If warranted the Municipal Recycling Coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.

c.

Granting of an Adjustment. If the Municipal Recycling Coordinator determines that it is infeasible for the entity carrying out a covered project to divert fifty (50%) percent of the generated construction and demolition (C&D) debris from the covered project, the percent of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C&D debris by the adjustment.

d.

Denial of Adjustment. If the Municipal Recycling Coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this section, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

§ 17-2.18. Debris Recovery Plan Reporting Requirement.

a.

Documentation. Upon completion of the covered project, but before the final inspection the owner of the entity carrying out a covered project shall submit in person or by certified mail to the Municipal Recycling Coordinator, the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

1.

A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed,

2.

Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project, and

3.

Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

§ 17-2.19. Appeal.

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this section to the municipality within thirty (30) days of the decision or determination. The appeal

shall be in writing and shall state the facts and basis for the appeal. A decision by the (department where appeal is to be filed) shall be final.

§ 17-2.20. Enforcement.

The Code Enforcement Official, the Police Department, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, and the Housing Officer are hereby individually and severally empowered to enforce the provisions of this section. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of any recyclable material.

§ 17-2.21. Violations and Penalties.

a.

Any person who violates any one (1) or more subsections of this section shall be subject to a fine of not less than two thousand five hundred (\$2,500.00) dollars and not more than ten thousand (\$10,000.00) dollars for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days. The Municipal Court shall have the option of imposing community service for a violation of any offense under this section.

b.

Each and every day in which a violation of any of the provisions of this section exists shall constitute a separate offense.

c.

Fines levied and collected pursuant to the provisions of this section shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies into the MRTF (or equivalent) shall be used for the expenses of the municipal recycling program.

§ 17-3. YARD WASTE COLLECTION PROGRAM.

§ 17-3.1. Purpose.

The purpose of this Code section is to establish a yard waste collection and disposal program with the Borough of Island Heights, so as to protect the public health, safety, and welfare, and to proscribe penalties for failure to comply.

§ 17-3.2. Definitions.

For the purposes of this section, the following terms, phrase, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

CONTAINERIZED

The placement of yard waste in a trash can, bucket, bag, or other vessel, such as to prevent the yard waste from spilling or blowing out onto the street and coming into contact with stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivisions of this State subject to municipal jurisdiction.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, County, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalk, parking areas, and other areas within the street lines.

YARD WASTE

Leaves [shrubs, branches and grass clippings.]

17-3.3 Collection of Yard Waste

a.

The Borough shall collect containerized yard waste from residential properties a minimum of two (2) times per year (spring and fall) per a schedule set by the Director of Public Works and approved by the Mayor and Council.

b.

Yard waste shall be containerized in a manner prescribed by the Borough and placed at the curb for collection no more than five (5) days prior to the scheduled collection date.

§ 17-3.[3] 4. Prohibited Conduct.

It shall be a violation of this Code section for any person or property owner to allow, permit or perform any of the following:

a.

Sweeping, raking, blowing, or otherwise placing yard waste that is not containerized at the curb or along the street is prohibited except unless said yard waste is immediately picked up or removed by the property owner and/or person responsible for such placement. Placement of yard waste within ten (10) feet from any storm drain inlet is prohibited.

b.

Placement of containerized yard waste at the curb or along the street sooner [then] *than* seven (7) days before the scheduled pickup is prohibited.

c.

Placement of yard waste at the curb or along the street at any time or in any other manner than which is permitted by the Borough Code is a violation of this Code section.

d.

If yard waste placement is made or occurs and such yard waste placement is in violation of this Code section, the party responsible for placement of the yard waste and the owner of the property from which the yard waste came shall be deemed in violation of this Code section.

e.

Each day following the issuance of any summons or citation for a violation of this section shall constitute a continuing violation, regardless of whether a new summons or citation has been issued.

§ 17-3.4. Enforcement.

This Code section shall be enforced by the Police Department of the Borough of Island Heights, as well as the Code Official of the Borough of Island Heights, and/or his designee, and the Zoning Official of the Borough of Island Heights, and/or his official designee.

§ 17-3.5. Penalties.

a.

Any person, or persons, who shall violate any of the terms or provisions of this section or who shall commit or do any act or thing which is prohibited by this section, shall, upon conviction thereof, be liable for the penalty stated in Chapter I, Section 1-5 of this Code.

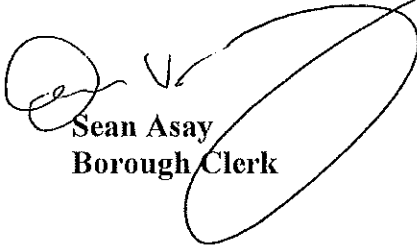
b.

Each day following the issuance of any summons or citation for a violation of this section shall constitute a continuing violation, regardless of whether a new summons or citation has been issued, and any person who has violated this section of the Code may be subject to imposition of a penalty under paragraph a of this subsection for each additional day in violation.

§ 17-3.6. Eligibility for Collection.

Residences [and Institutional establishments], as defined in Borough Code § 17-2.3, Definitions, shall be eligible for collection by a Yard Waste Collection Program.

The foregoing Ordinance was duly adopted by the Mayor and Council at their Regular Meeting conducted on February 28, 2023 in the Borough.



Sean Asay
Borough Clerk