

CITY OF VINELAND

ORDINANCE NO. 2021-29

ORDINANCE AMENDING ORDINANCE 2011-28, AS AMENDED, CHAPTER 620 OF THE CODE OF THE CITY OF VINELAND ENTITLED SOLID WASTE

WHEREAS, on May 24, 2011, City Council of the City of Vineland adopted Ordinance 2011-28 Chapter 620 of the Code of the City of Vineland entitled Solid Waste; and

WHEREAS, since the adoption of Ordinance 2011-28, certain changes have taken place governing how the residents of the City discard solid waste as well as recycling materials; and

WHEREAS, the Director of Solid Waste and Recycling Coordinator has recommended certain changes to Chapter 620 to meet the regulations in effect at this time; and

WHEREAS, City Council of the City of Vineland finds it to be in the best interest of the City to make said changes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 620 of the Code of the City of Vineland be amended as follows:

1 Chapter 620 shall be renamed **SOLID WASTE AND RECYCLING**

2. Section 620-1 Definitions shall be amended as follows:

(a) The definition of **BULKY WASTE** shall be deleted in its entirety and replaced as follows:

BULKY WASTE

Any large items of solid waste, which, because of their size or weight, require handling other than normally used for municipal waste. Bulky Waste includes but is not limited to, such household items as white goods, furniture and mattresses. Bulky waste shall not include tree trunks, auto parts, or construction and demolition waste.

(b) The definition of **CITY ISSUED SOLID WASTE AND RECYCLABLE CONTAINERS** shall be added as follows:

CITY ISSUED SOLID WASTE AND RECYCLABLE CONTAINERS

City issued 64 and 96 gallon plastic containers identified by numbers thereon are and shall remain the property of the City and assigned to such residential properties subject to solid waste and recyclables pick up by the City, referred to as "totes" and are not to be defaced or removed from the property to which they are assigned. Solid Waste totes are identifiable as being grey in color and Recyclable totes are identifiable as being gray and having a red lid.

(c) The definition of **CONTAINER** shall be deleted in its entirety and replaced as follows:

CONTAINER

Any closable and disposable trash bag, in which material is stored, transported, treated, disposed of or otherwise handled. Only grass clippings may be placed in such containers for City pick up.

(d) The definition of **CURB SIDE DESIGNATED RECYCLABLE MATERIALS** shall be added as follows:

CURBSIDE DESIGNATED RECYCLABLE MATERIALS

All colored and clear glass food and beverage containers with the lids removed and rinsed of any material. Metal caps and lids, aluminum, tin, and metal food and beverage containers, empty aerosol containers, Plastics with recycling symbol "#1 & 2" including soda, milk, water, detergent shampoo and other similar containers, carton juice boxes (no straws), gable top milk containers, soup and broth containers (all lids

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removed), all news print, magazines, catalogs, glossy inserts, unwanted mail, empty cereal, cracker, pasta, tissue boxes, brown paper bags, all corrugated cardboard boxes (flattened to fit into totes) clean pizza boxes and all similar items referred to as “Class A” recycling materials

(d) The definition of **CURBSIDE DESIGNATED SOLID WASTE** shall be added as follows:

CURBSIDE DESIGNATED SOLID WASTE

All household generated garbage, refuse. Household vegetative materials such as cut grass and single use plastic bags.

(d) The definition of **ELECTRONIC WASTE** shall be amended to add microwaves thereto.

(e) The definition of **SINGLE STREAM RECYCLING** shall be added as follows:

SINGLE STREAM RECYCLING

The placement of all Recyclable Materials in a single container. For purposes of recyclables to be collected by the City, all Curbside Designated Recyclable Material shall be placed in the City Issued Recyclable Containers.

(f) The definition of **SOLID WASTE UTILITY** shall be deleted in its entirety and replaced as follows:

SOLID WASTE AND RECYCLING UTILITY

An administrative department created to transact the collection and disposal of eligible solid waste, including designated Recyclable Materials, and related support services, as provided by law. Said Solid Waste and Recycling Utility is assigned as a division of the Department of Business Administration.

(g) The definition of **YARD WASTE** shall be deleted in its entirety and replaced as follows:

YARD WASTE

Any grass clippings, leaves or wood chips from trees and brush. Stumps of trees or bushes are specifically excluded from the definition of Yard Waste.

3. Chapter 620, Article II shall be renamed **Solid Waste and Recycling Utility** and all references in Chapter 620 to Solid Waste Utility shall be amended to “Solid Waste and Recycling Utility.”
4. Section 620-2 A and B shall be deleted in their entirety and replaced as follows:
 - A. A Solid Waste and Recycling Utility is hereby created to transact the collection and disposal of eligible Solid Waste and Recyclable Materials as defined herein and related support services, as provided by law.
 - B. Said Solid Waste and Recycling Utility is assigned as a function of the Department of Business Administration.
5. **Article III Solid Waste Collection** shall be renamed **Solid Waste and Recyclables Collection**
6. Section 620-7 shall be renamed **Responsibility for Solid Waste and Recyclable collection, removal and disposal.**
7. Section 620-7 A and B shall be deleted in their entirety and replaced as follows:
 - A. Only those properties listed in Section 620-3 are subject to municipal collection. The City shall provide 96 or 64-gallon totes for the collection of Curbside Designated Solid Waste and Curbside Designated Recyclable Materials, which shall be assigned to each residential unit entitled to municipal collection. The totes are and shall remain the property of the City. The City shall provide for the collection, removal and disposal of all Curbside Designated Solid Waste and Curbside

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Designated Recyclable Materials as defined herein. The City, in cooperation with the Cumberland County Improvement Authority, may provide for such collection, removal and disposal in the following manner:

- (1) Regularly scheduled curbside collection.
- (2) Intermittently scheduled curbside collection
- (3) Permanently established drop-off locations
- (4) Intermittently scheduled drop-off locations.

No Electronic Waste, including televisions, shall be disposed of at curbside.

B. The Director of Solid Waste and Recycling may recommend rules and regulations pertaining to the collection, removal and disposal of Solid Waste, Curbside Designated Solid Waste Materials, Curbside Designated Recyclable Materials and Electronic Waste to implement and to augment where necessary, the provisions of this Chapter. City Council shall establish annually, or amend as needed, rules and regulations by resolution to implement and to augment where necessary, the provisions of this Chapter, including but not limited to the following:

- (1) Delineation of collection districts.
- (2) Identification of eligible Curbside Designated Solid Waste and Curbside Designated Recyclable Materials, manner of disposal and schedule for regularly scheduled curbside collection.
- (3) Identification of eligible Solid Waste and Electronic Waste, manner of disposal and schedule for intermittently scheduled curbside collection.
- (4) Identification of sites for eligible Solid Waste, including designated Recyclable Materials and Electronic Waste, manner of disposal, hours of operation and drop-off locations.

8. The title to Section 620-8 shall be changed to **Responsibility of Solid Waste and Recyclable Materials generator**

9. Section 620-8 A, B, C and F shall be deleted in its entirety and replaced as follows:

- A. Any person as defined in Article I who generates Electronic Materials, Solid Waste and/or Recyclable Materials shall be responsible for the proper handling and disposal of such waste, including the proper separation, handling and disposal of said materials.
- B. All Solid Waste, Recyclable Materials and Electronic Materials shall be maintained on site of its generator and shall be regularly disposed of so as not to create a nuisance.
- C. It shall be unlawful for any property owner to permit open or overflowing Solid Waste or Recyclable Materials containers to overflow on their property.
- F. For residential properties with more than ten dwelling units and for commercial, industrial and institutional properties, it shall be the responsibility of the property owner to furnish containers for and to properly dispose of eligible Solid Waste and Recyclable Materials.

10 Section 620-9 A **Approved Containers** shall be deleted in its entirety and replaced as follows:

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- A. Properties subject to municipal collection. For all properties subject to municipal collection, all Curbside Designated Solid Waste and Curbside Designated Recyclable Materials shall be placed in the City provided 96 or 64-gallon totes as specified herein and shall not be placed in a manner that will impair or impede pedestrian or vehicular traffic.
- 11. Section 620-10 A (2) shall be deleted in its entirety.
- 12. Section 620-11 A Construction and Demolition waste shall be deleted in its entirety and replaced as follows:
 - A. Construction and Demolition Waste. The provisions of this Article shall not apply to and shall not include the collection of Construction and Demolition Waste from any properties subject to municipal collection. Collection and disposal of Construction and Demolition Waste shall be the responsibility of the generator and/or the property owner.
- 13. Section 620 B (1) and (2) shall be deleted in their entirety and replaced as follows:
 - B White Goods
 - (1) All white goods generated by residential properties subject to municipal collection shall only be picked up upon request to schedule the same with the Division of Solid Waste and Recycling and placed at curbside no later than 24 hours before scheduled pick up. Refrigerators shall have all doors removed prior to placement at curbside.
 - (2) White Goods shall be placed separated from other Curbside Designated Solid Waste in an orderly manner and shall not be piled one upon the other.
- 14. Section 620 D (2) **Yard Waste** shall be amended by the addition of the following sentence to be placed at the end of said section. For purposes of this Section,
 - Yard Waste shall not include stumps, branches five inches in diameter or branches in excess of five foot in length.
- 15. Section 620-22 **Appeal** shall be deleted in its entirety and replaced as follows:
 - 620-22 Appeal**
 - The owner of the Covered Project may appeal a determination of a failure to comply under this Article to the Director of Solid Waste and Recycling within 30 days of the determination. The appeal shall be in writing and shall state the facts and basis for the appeal. The decision of the Director shall be final.
- 16. The title to **Article VII** shall be changed to **Improper Solid Waste and/or Recycling Disposal**
- 17. The title to Section 620 -31 shall be changed to **Disposal of any type of waste on another person's property.**
- 18. Section 620-31 shall be deleted in its entirety and replaced as follows:
 - Section 620-31 Disposal of any type of waste on another person's property**
 - It shall be unlawful for any person to discard any waste of any kind whatsoever in any container servicing another person's property except as may be authorized by the Cumberland County Improvement Authority as a solid waste or recycling facility.
- 19. Section 620-32 **Power to enforce provisions** shall be deleted in its entirety and replaced as follows:

Section 620-32 Power to enforce provisions.

The Department of Solid Waste, the Department of Health, the Department of Licenses and Inspections and the Police Department are hereby empowered to enforce the provisions of this Chapter and any rules and regulations promulgated thereunder.

20. Section **620-34 Violations and penalties** shall be amended by the insertion of the following language:

Further, any person, firm or legal entity defacing the City owned totes shall be charged with a criminal violation of the Criminal Code of the State of New Jersey for vandalizing public property. Any person, firm or legal entity removing a City owned tote from an assigned property be charged with a criminal violation of the Criminal Code of the State of New Jersey for theft of City owned property. Among other relief, the City shall seek restitution, which shall include the cost to replace and/or repair the tote as well as the cost of any administration.

BE IT FURTHER ORDAINED that the balance of Chapter 620 of the Code of the City of Vineland not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

ATTEST:

City Clerk