

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 03-2024**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CAPE MAY  
POINT CHAPTER 94 “GARBAGE, RUBBISH AND REFUSE”, CHAPTER 109  
“LITTER; MAINTENANCE OF PROPERTY” TO SPECIFY TRASH AND  
RECYCLING CONTAINERS**

**WHEREAS**, changes in the trash industry caused widespread increases in trash contract prices since the Borough’s last trash and recycling contract was awarded; and

**WHEREAS**, having automated “lifters” on trash trucks minimizes injuries, improves efficiency, and reduces costs; and

**WHEREAS**, in an effort to limit the anticipated increase in costs for the new trash contract for January 2024 through December 2028, the Borough’s bid specifications included the switch to automated “lifter” compatible trash receptacles.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey that Chapter 94 “Garbage, Rubbish and Refuse” and Chapter 109 “Litter; Maintenance of Property” of the Code of the Borough of Cape May Point be and are hereby amended as follows (deletions in ~~strikethrough~~ and additions in underline):

**Section 1.**

**94-8 COLLECTION OF RECYCLABLE MATERIALS.**

The collection of source separated recyclable materials shall be in the manner prescribed as follows:

- a. It is the responsibility of the property owner to provide adequate size and number of covered containers for the placement of recyclables for curbside collection as follows: Single Stream Recyclable Materials as defined in Category 1 a,1 shall be mixed together in one container. More than one (1) container may be used for Single Stream Recyclable Materials; however, each container used should be marked or labeled to identify its contents as Single Stream Recyclable Materials. No recyclable material shall be placed at the curb for collection that is not placed in an approved receptacle. An approved receptacle is defined as an ANSI Type B receptacle with suitable handles, wheels, metal bar, and tight-fitting attached cover, holding up to 48 gallons and not exceeding forty (40) pounds. Only recyclables in an approved receptacle will be collected. ~~No containers shall be~~

~~larger than forty-eight (48) gallons and shall not exceed forty (40) pounds.~~ All set out ~~containers~~ receptacles which contain Single Stream Recyclable Materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of 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 recycled shall be placed as noted above any time after 3:00 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 shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

## **Section 2.**

### **109-1 PROHIBITED ACTIVITIES; STORAGE ON PROPERTIES; CONSTRUCTION SITE DEBRIS**

- k. Location and Storage of Trash and Approved Receptacles. Location of trash and recyclable storage shall be in the side or rear yard of the structure, screened from public view from the street. In the case of corner lots, storage shall be in a yard area that does not front on a street, screened from public view from the street. No trash shall be placed at the curb for collection that is not placed in an approved receptacle. An approved receptacle is defined as an ANSI Type B receptacle with suitable handles, wheels, metal bar, and tight-fitting attached cover, holding up to 96 gallons. Only trash in an approved receptacle will be collected. All set out receptacles which contain trash shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of 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. Trash receptacles shall be placed as noted above any time after 3:00 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 shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

**Section 3.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

**Section 4.** This ordinance shall take effect 20 days after passage and publication, according to law.

| <b>Final Adoption</b> | <b>MOTION</b> | <b>SECOND</b> | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-----------------------|---------------|---------------|------------|-----------|----------------|---------------|
| Busch                 |               |               |            |           |                |               |
| Moffatt               |               |               |            |           |                |               |
| vanHeeswyk            |               |               |            |           |                |               |

ATTEST:

\_\_\_\_\_  
Elaine L. Wallace  
Borough Clerk

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Catherine Busch, Commissioner

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Robert Moffatt, Mayor

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Anita vanHeeswyk, Commissioner

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