

ORDINANCE NO. 2018-03

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING REVISED GENERAL
ORDINANCE CHAPTER 23: "GARBAGE AND WASTE" AND CHAPTER 26:
"HOUSING AND PROPERTY MAINTENANCE" TO ELIMINATE SPECIAL
MONDAY COLLECTIONS AND ACCORDINGLY MODIFY CERTAIN SPECIAL
REGULATIONS APPLICABLE TO SUMMER RENTALS**

BE IT ORDAINED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 23: "Garbage and Waste" and Chapter 26: "Housing and Property Maintenance" of the Borough's Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

23-2.2 Special Collections.

- a. All residential properties shall be provided municipal collection services for brush, leaves, recyclables, white goods, light metals and household furniture and bulk waste in accordance with this Chapter and according to the schedules developed and announced by the Department of Public Works.
- b. Contractors, subcontractors and the like are prohibited from placing any solid waste, brush, leaves, recyclables, household furniture, bulk waste, white goods, light metal or any other items for collection.
- ~~c. *Optional Special Monday Collection.*~~
 - ~~1. Any owner or tenant of a residential unit that is not included in normal Monday pickup schedule, and desires to have his/her garbage, trash and recyclables picked up on Mondays, between May 1 and September 30, shall register with the Director of Code Enforcement for the Optional Special Monday Pickup Program and shall pay a special trash pickup fee in the amount of one hundred (\$100.00) dollars per unit, for which they will receive twenty (20) stickers, one (1) for each week of the season.~~
 - ~~2. Any owner or tenant of a residential unit that desires to have his/her recyclables picked up on Mondays, between May 1 and September 30, shall register with the Director of Code Enforcement for the Optional Special Monday Pickup Program and shall pay a special trash pickup fee in the amount of one hundred (\$100.00) dollars per unit, for which they will receive twenty (20) stickers, one (1) for each week of the season.~~
 - ~~3. Regulations. Participants in the program shall comply with the following regulations:
 - ~~(a) Disposal of Household Trash. All household trash, garbage, rubbish and waste shall be deposited in clear plastic bags securely closed and fastened with ties, and placed at curbside not earlier than 6:00 p.m. each Sunday and not later than 6:00 a.m. each Monday, from May 1 through September 30. No trash cans, boxes or other containers of any kind shall be used at curbside for Monday pickup.~~~~

- ~~(b) — Disposal of Recyclables. All recyclable bottles, cans and plastic containers shall be deposited in clear plastic bags, securely closed and fastened with ties and placed at curbside not earlier than 6:00 p.m. each Sunday and not later than 6:00 a.m. each Monday from May 1 through September 30. No trash cans, boxes or other containers of any kind shall be used at curbside. All other materials that are required to be recycled pursuant to Section 23-9 shall be deposited at the Borough Recycling Center.~~
- ~~(c) — Household Trash and Recyclables to be Separated. No household trash, garbage, rubbish, or waste shall be disposed of in plastic bags containing any recyclable bottles, cans or plastic containers.~~
- ~~(d) — Type of Bags. Plastic bags shall be clear and a minimum of .02 ml. in thickness but not less than a thirty two (32) gallon capacity.~~
- ~~(e) — Placement. Upon paying the required fee, residents shall receive twenty (20) bulk stickers, for each pickup type, garbage and/or recycling, one (1) for each week of the season and shall affix one (1) sticker each week to any clear plastic trash bag and/or one (1) sticker each week to any clear plastic recycling bag, placed at curbside for collection on Monday, from May 1 through September 30. Additional garbage and recycling bags placed at the curb on the regularly scheduled pickup days are not required to have additional stickers.~~

d.c. *Emergency Pickup.*

1. In the case of a property needing a pickup due to unforeseen circumstances, the owner may contact the Department of Public Works and request a special pickup.
2. The owner of said property will be assessed two hundred fifty (\$250.00) dollars for this pickup. This fee will include a pickup equivalent to one (1) unit, five (5) cans or one (1) dumpster. Anything over and above to be collected on the pickup will be an additional one hundred (\$100.00) dollars per unit.
3. Any pickup required due to violation of this Chapter or violation of any code enforcement ordinance will be charged an additional assessment as stated in paragraph d,2c,2.

26-7.7 Reserved. Special Trash and Recyclables Regulations Applicable to Certain Summer Rental Licensed Dwelling Units.

~~—The following special trash and recyclable regulations shall be applicable to the landlords and tenants of all summer rental licensed dwelling units:~~

~~a. — *Storage and Disposal of Trash and Recyclables.*~~

1. ~~*Disposal of Household Trash.* All household trash, garbage, rubbish and waste shall be deposited in clear plastic bags securely closed and fastened with ties, and placed at curbside not earlier than 6:00 p.m. each Sunday and not later than 6:00 a.m. each Monday, from May 1 through September 30. No trash cans, boxes or other containers of any kind shall be used at curbside.~~

- ~~2.— *Disposal of Recyclables.* All recyclable bottles, cans and plastic containers shall be deposited in clear plastic bags, securely closed and fastened with ties, and placed at curbside not earlier than 6:00 p.m. each Sunday and not later than 6:00 a.m. each Monday, from May 1 through September 30. No trash cans, boxes or other containers of any kind shall be used at curbside. All other materials that are required to be recycled pursuant to subsection 23-76 shall be deposited at the Borough Recycling Center.~~
- ~~3.— *Household Trash and Recyclables to be Separated.* No household trash, garbage, rubbish, or waste shall be disposed of in plastic bags containing any recyclable bottles, cans or plastic containers.~~
- ~~4.— *Storage of Trash and Recyclables.* When not placed at curbside, all trash and recyclables shall be stored in a location on the premises where they will not be visible from the street or sidewalk, and where they will not be located within ten (10') feet of any window or door of a dwelling on an adjacent property.~~
- ~~5.— *Type of Bags.* Plastic bags shall be a minimum of .02 ml. in thickness and shall not be less than a thirty two (32) gallon capacity.~~
- ~~6.— *Landlords to Provide Adequate Trash Bags.* Each landlord of a Summer rental licensed dwelling unit shall furnish his or her tenants, at the inception of their occupancy of the dwelling unit, with twenty (20) clear plastic garbage bags for each permitted occupant of the dwelling unit, as determined by the Director of Code Enforcement pursuant to subsection 26-7.4. Each plastic bag shall be a minimum of .02 ml. in thickness and shall be not less than thirty two (32) gallons in capacity.~~
- ~~7.— *Trash Bag Receipt Form.* The Director of Code Enforcement will provide each landlord of a Summer rental licensed dwelling unit with a "Trash Bag Receipt Form" for each dwelling unit. This form will contain the number of permitted occupants and the number of plastic bags required to be provided. Any landlord who provides the Director of Code Enforcement with a Trash Bag Receipt Form executed by at least one (1) tenant of the Summer rental licensed dwelling unit, shall not be liable for any violation of subsection 26-7.7a., with respect to that dwelling unit.~~
- ~~8.— *Special Fee and Regulations for Units West of "B" Street.* In addition to the foregoing regulations, landlords and tenants of Summer rental licensed dwelling units on properties located west of "B" Street shall also comply with the requirements of paragraph b. of subsection 26-7.7.~~
- ~~9.— *Owner Occupied Properties.* These special trash and recycling regulations shall not apply to any Summer rental licensed dwelling units that are located on the same property as a dwelling unit in which the owner of that property resides, or if the owner resides on an adjacent property.~~
- ~~b.— *Special Trash Collection Fee for Licensed Dwelling Units West of "B" Street.* Applicants for a Summer Rental License for a dwelling located west of B Street in the Borough of Belmar, must pay a special trash recycling fee in the amount of forty (\$40.00) dollars per property to cover the cost of special trash and recycling collection on Mondays from May 1 through September 30.~~

~~Applicants will receive forty (40) stickers (two (2) for each week of the summer trash season) to be placed as follows: one (1) sticker on any trash bag and one (1) sticker on any~~

~~recycling bag each week. Additional garbage and recycling bags placed at the curb for the week are not required to have additional stickers. The purpose of these stickers is to identify those properties for which the special Monday trash pick-up fee has been paid.~~

~~Additional stickers to replace lost or stolen stickers may be purchased for one (\$1.00) dollar per sticker at the Belmar Municipal Offices and the Belmar Recycling Center.~~

~~c. *Violations and Penalties.*~~

- ~~1. Any violation of the above trash and recycling regulations will subject the landlord and/or tenant of that dwelling unit to a penalty of one hundred (\$100.00) dollars plus court costs which may be paid through the violations bureau; provided that no landlord shall be fined who has provided the Director of Code Enforcement with a Trash Bag Receipt Form executed in accordance with subsection 26-7.7a., 7.~~

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.