

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

**ORDINANCE NO. 256-2012  
AMENDED AND RESTATED**

**AN ORDINANCE OF THE CITY OF CAPE MAY  
AMENDING AND RESTATING CHAPTER 434 SOLID  
WASTE; RECYCLING OF THE CAPE MAY CITY CODE.**

**ARTICLE II Recycling  
[Adopted 12-18-2007 by Ord. No. 130-2007<sup>+</sup>]**

WHEREAS, Article II of Chapter 434 of the Cape May City Code ("Code") presently regulates recycling activities within the City of Cape May; and

Whereas, the New Jersey Statewide Mandatory Source Separation and Recycling Act establishes a goal of 50% reduction of Municipal Solid Waste and a 60% reduction of all solid waste through source separation and recycling by residential, commercial and institutional establishments in all New Jersey municipalities; and

Whereas, the Cape May County Solid Waste Management Plan designates the list, included herein, of mandatory recyclables to be source separated for recycling in all sectors of the community; and

Whereas, recycling will reduce the municipality's expense of solid waste disposal, conserve energy and valuable resources, extend the life of Cape May County's only landfill and has the potential to produce revenues from the sale of such recyclable materials.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, as follows:

1. Article II of Chapter 434, entitled Recycling, of the City Code is hereby amended as follows:

**§ 434-7. Purpose.**

The New Jersey Mandatory Source Separation and Recycling Act mandates the separation, collection and disposition of designated recyclable materials. The City recognizes that the cost of disposing of solid waste is increasing while available landfill facilities are decreasing. The reduction of the amount of solid waste and conservation of recyclable materials are important public concerns because of the growing problem of solid waste disposal and its dramatic impact on the environment. Additionally, reduction of the amount of solid waste generated and an increase in source separation and recycling of solid waste materials will extend the life of existing landfills. The collection of used materials, for the purpose of recycling, from residences, businesses, and institutions in the City of Cape May will serve the general public interest from a financial and environmental perspective. It is the intention and desire, therefore, of the City to provide a mechanism for the proper collection, removal and disposition of all solid waste and recyclable materials, and to promote and encourage the fullest possible citizen participation in this program.

**§ 434-8. Definitions.**

For the purpose of this article, the following terms, phrases and words and their derivatives shall have meanings given herein:

**COMMERCIAL or COMMERCIAL PROPERTY** — All properties in which any commercial enterprise or business is operated and/or licensed, but not including single-family rental units such as houses, apartments and condominiums.

**COMMINGLED** — Combining of nonputrescible source-separated recyclable materials for the purpose of **recycling**;

**CURBSIDE** — That portion of City property on the property owner's side of the street curb, usually between the curb and sidewalk, but not including the sidewalk, where no containers or other obstructions to pedestrian passage may be placed.

CONSTRUCTION AND DEMOLITION DEBRIS — Waste building materials, packaging, rubble resulting from construction, remodeling, repair, alteration, and/or demolition operations on pavements, houses, all residential and non-residential developments, and other structures and may include, but not be limited to, concrete, asphalt, wood, metals, bricks, block masonry, wallboard, dirt, rocks, landscape waste and other inert waste.

**DESIGNATED RECYCLABLE MATERIALS** — Those materials designated within the Cape May County Solid Waste Management Plan to be source-separated for the purpose of **recycling** by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and include:

A. Materials to be set out at curbside, Category 1:

- (1) Paper products: all uncontaminated paper material, including newspaper with inserts, magazines, office paper, junk mail, including shredded paper, telephone and paperback books, corrugated cardboard, brown paper grocery bags. Paper must be free of nonpaper products, including plastic, wax and polycoated boxes and food contamination.
- (2) Glass, food and beverage containers: clear, green and brown food and beverage bottles and jars, excluding blue and flat glass commonly known as window glass, mirrors, milk glass, crystal, china and ceramic material, and light bulbs.
- (3) Metal food and beverage containers: all food and beverage containers made of metal, including tin cans, bimetal cans, aluminum cans, aluminum food containers and beverage containers 2 1/2 gallons or less in size, including empty aerosol cans.
- (4) Plastic bottles and jugs: plastic containers ~~imprinted with a "PETE" or "HDPE" on the bottom, including soda, milk, water, juice, condiment and other food and beverage containers; shampoo and other beauty product containers; soap, bleach, detergent and other household cleaning product containers that have the number one (1) through seven (7) or two inside the chasing arrows recycling symbol printed on the bottom of the container~~ 2 1/2 gallons or less in size, excluding yogurt, sour cream, cottage cheese containers and Styrofoam containers. Motor oil, antifreeze and other automotive fluid containers and other bottles which contained hazardous products are not included; no motor oil bottles; no pesticide containers.
- (5) Christmas trees free of decorations, tree stands and plastic bags.
- (6) Leaves free of brush, branches, small trees, bushes, soil, animal waste and other contamination.

- (7) Grass clippings free of brush, branches, small trees, bushes and soil.
- (8) Yard waste: trees, bushes, pruning waste and branches with a diameter of less than four inches, excluding such waste generated from land clearing.
- (9) White goods: large metal household and commercial appliances such as, but not limited to, stoves, refrigerators, freezers, dryers, hot-water heaters, microwaves and air conditioners.

B. Materials to be recycled by the individual generator, Category 2:

- (1) Brush, tree branches and stumps: all parts of vegetative growth from trees, and vegetative materials generated during land clearing.
- (2) Ferrous and nonferrous scrap: metals, such as copper, iron, sheet metal, aluminum, radiators, structural steel, metal pipe and "white goods," including, but not limited to, appliances containing CFCs or freon.
- (3) Electronic waste: shall mean a computer central processing unit and associated hardware, including keyboards, modems, printers, scanners and fax machines, cathode ray tubes, cathode ray tube devices, flat panel displays or similar video display devices with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including, but not limited to, televisions and cell phones; also includes VCRs, radios and landline telephones.
- (4) Motor oil/kerosene/# 2 heating oil: crank-case oil and similar oils, kerosene fuel and #2 home heating oil which are used to fuel heating equipment.
- (5) Wood pallets and crates: clean, untreated, unpainted pallets and crates only.
- (6) Batteries: lead acid batteries; used SLA (sealed lead acid) batteries generated from motor vehicles, aviation and marine equipment.
- (7) Propane tanks: empty twenty-pound to thirty-pound BBQ-type tanks.
- (8) Contaminated soil: if classified as ID27, all fuel-contaminated soil, dewatered soil, and stone from septic beds and similar materials which are allowed to be recycled in accordance with the regulations of the New Jersey Department of Environmental Protection.
- (9) Commercial cooking grease: grease and oil generated from food preparation by commercial sources only.
- (10) Asphalt and concrete: asphalt and concrete materials from construction and demolition projects.
- (11) Auto and truck bodies: all junk automobiles and trucks and parts thereof.
- (12) Tires: worn truck and passenger car tires.
- (13) Used oil filters: used filters that are generated from changing crankcase oil in automobiles, trucks and other vehicles.
- (14) Antifreeze: used antifreeze generated from automobiles, trucks and other vehicles/sources.
- (15) Consumer rechargeable NiCad (nickel-cadmium) and small sealed lead acid batteries: small sealed batteries generated from use of electronic equipment.

(16) Scrap metal: refers to but not limited to such items as aluminum siding, window frames, lawn chair frames and other clean household and commercial aluminum, ferrous metal and tin, but not aluminum cans, foil, trays and plates and screening.

(17) ~~Construction and demolition Building material and debris: any material such as brick, block, stone, plaster, roofing shingles, and other substances accumulated as the result of repairs, additions, construction and demolition of existing or new buildings or structures.~~

(18) Bulky rigid plastic.

(19) Film plastic.

C. Recycling material list: an updated list the Department of Public Works of the City will maintain of recycling materials accepted by the Cape May County Municipal Utilities Authority Regional Recycling Program.

FILM PLASTIC – Boat shrink wrap, greenhouse plastic, and other pre-approved film plastics.

HAZARDOUS WASTE MATERIALS — Materials such as poisons, acids, caustics, harmful or dangerous chemicals, infectious medical waste, offal, fecal matter, explosives, highly flammable material, asbestos shingles and siding, oil-based paints, pesticides, oil, propane tanks and any other material as defined hazardous or prohibited waste by the Cape May County Municipal Utilities Authority or N.J.A.C. 7:26-1, Section 2.13(d).

MUNICIPAL SOLID WASTE (MSW) STREAM — All solid waste generated at residential, commercial and institutional establishments within the boundaries of the City of Cape May.

NONRECYCLABLE MATERIALS — All those materials which are discarded by placement at curbside or alley for collection and final disposition, excluding designated recyclable materials and hazardous waste materials.

- A. Garbage: the waste produced by the handling, preparation, cooking and consumption of animal or vegetable products used for human consumption. This definition shall include any other matter that is also subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors or which, before, during and after decay, may serve as feeding or breeding material for animals or flies or other insects.
- B. Landfillable or landfillable material: those materials such as trash, garbage and debris which the state, county or City has, by law or regulation pursuant to law, deemed not to be generally or economically reusable and which, therefore, are appropriate or legal for disposal in a landfill.
- C. Litter: trash, garbage, refuse or any other discarded material (used or unconsumed) which is discarded or thrown as herein prohibited and tends to create a danger to public health, safety and welfare.
- D. Nonrecyclable bulk items: items including but not limited to furniture, carpet, spare parts and other material which, due to its large size, cannot be considered to be part of normal household nonrecyclable material.
- E. Trash: waste accumulations of contaminated paper, ashes, sweepings, dust, rags or nonrecyclable glass, metal or plastic, or any other nonhazardous waste material of any kind, other than garbage, which is common to residential, commercial or institutional housekeeping, excluding medical waste and used oil; and other hazardous materials.

**PUBLIC USE CONTAINER** — Any trash or recycling container owned by the City, located on public property or on property publicly controlled and to be used for the deposit of trash or recyclables by the general public while in the public domain.

**RECYCLABLE MATERIALS** — 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.

**RECYCLING COORDINATOR** — The person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this article, and any rules and regulations which may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded.

**RESIDENTIAL or RESIDENTIAL PROPERTY** — All properties, including single-family rental units such as houses, apartments and condominiums, in which no commercial enterprise or business is operated and/or licensed.

SINGLE STREAM MATERIALS – Newspapers, corrugated containers, magazines, white and colored ledger (office paper), computer printout paper, telephone and paperback books, junk mail, kraft paper (brown grocery bags), Chipboard, glass containers/bottles (regardless of color), aluminum, tin and bi-metallic containers and cans, aluminum foil and trays, Mixed Rigid Plastics including #1 PET, #2 HDPE, #3 PVC, #4 LHDPE, #5 PP, #6 PS and #7 Other (regardless of color but five (5) gallons in size or less).

SINGLE STREAM RECYCLING – All single stream material are comingled for collection into one container instead of being sorted into separate commodities and multiple containers.

**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.

**§ 434-9. Applicability of mandatory source-separation and recycling requirements.**

Mandatory Recycling source-separation. It shall be mandatory for all persons occupying a residence, owners/managers of business establishments, lessees, tenants or occupants of residential and nonresidential premises, including but not limited to retail and commercial locations, government, schools and other institutional locations within the borders of the City, to source separate designated recyclable materials from the municipal solid waste stream.

- A. Category 1 designated recyclable materials shall be placed separately and placed curbside in a manner and on such days and times as herein established.
- B. When curbside collection is not provided for designated recyclable materials, as is the case for those recyclables included in Category 2, it shall be the obligation of the generator to deliver or arrange for the delivery of such materials to the Cape May County Municipal Utilities Authority (CMCMUA) recycling facilities located at the Sanitary Landfill and/or Transfer Station as applicable, to any NJDEP-approved recycling center ~~private sector market for recycling~~, or to the City's Central Recycling Station, provided that such materials are accepted by the Central Recycling Station.

**§ 434-10. Collection of Category 1 designated recyclable materials.**

A. Category 1 designated recyclable materials must be source separated from the municipal waste stream and placed for collection curbside in the following manner:

(1) Single Stream Materials Paper products.

~~(a) Mixed paper shall be placed in a paper bag or cardboard box.~~

~~(b) Paper bags containing mixed paper may be placed in a reusable metal or plastic container marked for recycling.~~

~~(c) Paper placed in cardboard boxes or in paper bags shall not exceed 50 pounds in weight.~~

~~(2) Glass food and beverage containers; metal food and beverage containers; plastic bottles and jugs.~~

(a) These materials may be commingled (placed together) in the same reusable recycling containers. No plastic or paper bags are to be used.

(b) The filled container shall not exceed 32 gallons in size and 50 pounds in weight.

(c) All recycling containers must have a recycling sticker or the word "RECYCLABLES," "RECYCLE" or "RECYCLING" clearly marked on the container.

(23) Leaves; grass clippings; yard waste; Christmas trees.

(a) Leaves and grass clippings shall be collected in reusable marked containers or compostable paper bags.

(b) Leaves and grass clippings shall be collected between April 15 and December 31, one time per week on regular recycling days.

(c) Leaves, grass clippings and yard waste are recyclable and are not to be commingled with trash.

(d) Residents may choose to compost leaves, grass clippings and yard waste generated on their premises. Information on composting may be obtained by calling the Department of Public Works.

(34) White goods.

(a) White goods shall be collected during the first full week of every month on regular recycling days.

(b) White Goods must be placed for collection curbside prior to 7:00 a.m. on collection day. Refrigerator and freezer doors must be removed prior to placement outside.

B. The following Category 2 designated recyclable materials must be source separated and recycled by the generator at authorized CMC MUA recycling facilities or any NJDEP-approved recycling center:

(1) Wood pallets and crates.

(2) Propane tanks.

(3) Electronic waste.

(4) Tires.

- (5) Antifreeze.
- (6) Batteries.
- (7) Used motor oil.
- (8) Kerosene/#2 heating oil.
- (9) Asphalt and concrete.
- (10) Auto and truck bodies.
- (11) Contaminated soil.
- (12) Cooking grease.
- (13) Consumer rechargeable NiCad and small sealed lead acid batteries.
- (14) Bulky rigid plastic.
- (15) Film plastic

**-§ 434-11. Size and type of private solid waste, recycling and nonrecycling containers; preparation for collection.**

- A. All designated **recycling** materials containers and nonrecycling materials containers shall:
  - (1) Be reusable and made of a durable, weather-resistant, metal or plastic, with watertight secured lids;
  - (2) Have a capacity of not more than 32 gallons;
  - (3) Not exceed 50 pounds in weight when filled with their contents;
  - (4) Be kept clean, free from liquids, and be of safe construction and design maintained in good repair, clean and safe condition.
- B. Designated **recycling** materials containers must have attached in a clearly visible fashion to the side of the container a **recycling** sticker, or have the word "RECYCLABLES," "RECYCLE" or "**RECYCLING**" clearly marked on the container. Recyclable brown paper bags and corrugated boxes may also be used to contain mixed paper only.
- C. Bags (plastic, paper, burlap or otherwise) shall not be used for the deposit of residential or commercial nonrecyclable materials unless the bags are placed in approved containers with secure lids.
- D. All persons, firms, businesses, partnerships, corporations (including condominium associations), every residence, commercial establishment and public or private institution in the City shall, at all times, have an appropriate and adequate number of approved containers for storage and collection for both recyclable material and nonrecyclable materials.

**§ 434-12. Placement for collection.**

- A. All persons, corporations, partnerships and associations shall place at curbside or alley for collection designated recyclable materials and nonrecyclable materials containers in accordance with the following requirements:

- (1) No earlier than 6:00 p.m. on the day prior to collection and no later than 7:00 a.m. on the day of collection.
  - (2) At curbside for collection between the sidewalk and the curb, but shall not impede pedestrians. In the event there is insufficient area between the sidewalk and curb, containers may be placed in the street at least two feet from the curb, but shall not extend into a lane of vehicular traffic, bicycle path, or so as to impede vehicular traffic. In all cases, such containers shall be easily and safely accessible to collectors.
  - (3) All containers must be removed as soon as possible on the day of collection.
  - (4) All containers shall be stored so as not to be visible from the street or other public place.
- B. No person, corporation, partnership or association shall place or cause to be placed any designated recyclable material, nonrecyclable material, hazardous waste materials or any container or receptacle containing such material in, on or near the following:
- (1) Any storm drain/drainage ditch opening or so close thereto as to be drawn by the elements into the drain.
  - (2) Any gutter so as to cause blockage of stormwater flows or possible blockage of storm drainage systems if carried by elements into the drain.
  - (3) Any lot, property, public street, sidewalk, alley, boardwalk, beach or other private place except as herein permitted.
- C. It shall be unlawful and a violation of this article to fail to remove such materials if instructed by appropriate officials of the City of Cape May.
- D. All persons, businesses, corporations, partnerships and associations that generate more designated recyclable materials and nonrecyclable materials than can be safely stored and placed for collection in approved containers shall be required to provide for private collection, removal and delivery of designated recyclable materials and nonrecyclable materials to the Cape May County Intermediate Processing Facility in Woodbine.

**§ 434-13. Unauthorized collection; unauthorized placement.**

No person, corporation, partnership or association, except employees or agents of the City in their official capacity, shall:

- A. Overturn, spill, scatter, root through or pull apart any recyclable material or nonrecyclable material or material container.
- B. Pick up or cause to be picked up or collect any recyclable materials or nonrecyclable material which has been placed for collection. Each such collection shall constitute a separate and distinct offense.
- C. Place any recyclable material or nonrecyclable material into any container, receptacle or bundle without the prior approval of the owner or lessee of the container.
- D. Place or cause to be placed any recyclable material or nonrecyclable material into a public use container, if the materials are generated by activities occurring on a premises of a private residence or commercial establishment, without the prior approval of the Department of Public Works.

**§ 434-14. Central Recycling Station.**

A. Delivery to recycling station.

- (1) Owners, operators, occupants, or designated representatives of commercial properties and residential properties in the City may deliver recyclable materials to the City's Central Recycling Station during times and under terms to be set forth by the Department of Public Works.
- (2) All vehicles transporting designated recyclable materials must do so in a manner that will prevent materials, such as paper and cans, from flowing out of the vehicle and littering the roadside. Open trucks or similar vehicles must be covered with a tarpaulin or similar material while en route to recycling drop-off facilities.
- (3) Owners, operators, occupants, or designated representatives must present a valid driver's license, tax bill, mercantile license or utility bill to verify that they are an owner, operator, occupant, or designated representative of residential properties or commercial properties. An identification system may be established by regulations of the Department of Public Works Superintendent.
- (4) Contractors and private haulers are not permitted to use the City of Cape May Central Recycling Station and must deliver recyclable materials to the Cape May County Transfer Station in Burleigh or the Cape May County Intermediate Processing Facility in Woodbine.

B. The Central Recycling Station will accept the following recyclable materials:

- (1) Paper products.
- (2) Glass food and beverage containers, metal food and beverage containers and plastic bottles and jugs.
- (3) Leaves, grass clippings and yard waste. All branches and trees must not exceed six feet in length and not be over four inches in diameter. No tree stumps will be accepted. All leaves must be bagged or tarped and emptied into dumpsters (no trash bags are permitted in dumpsters).
- (4) White goods.
- (5) Light iron materials.
- (6) Bulky rigid plastics. A list of rigid plastics materials accepted by the Central Recycling Station shall be maintained by the Recycling Coordinator.
- (7) Shrink wrap

C. Usage. The Central Recycling Station is provided as a convenient recycling drop-off location and does not suspend or relieve any person, owner, operator, occupant, or designated representative of commercial property or residential property of compliance with the provisions of this article.

**§ 434-15. Residential dwelling compliance requirements.**

The owner of each property shall be responsible for compliance with this article. For multifamily units, including but not limited to condominium complexes and seasonal hotel/motels and guest houses, the

management, owner, and/or condominium association is responsible for establishing and maintaining the **recycling** system, including collection of source-separated recyclable materials, except for those designated recyclable materials for which municipal collection service is provided to multifamily units. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding recycling requirements to all new tenants when they arrive and with a reminder a minimum of every six months during their occupancy.

**§ 434-16. Commercial establishment compliance requirements.**

- A. All commercial, business or industrial facilities shall be required to comply with the provisions of this article.
- B. The arrangement for collection of all categories of designated mandatory recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or its designee, except for those specific designated recyclable materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees or the public shall provide litter and recycling receptacles. These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.
- C. Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at its premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the premises by a hauler, recycler or paper shredder, the quantity and final disposition of the material is to be reported on the form.
- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

**§ 434-17. New developments of multifamily residential units or commercial, institutional or industrial properties.**

- A. Any application to the Planning Board or the Zoning Board of Adjustment of the City of Cape May, for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of three or more units or any commercial, institutional or industrial development of 1,000 square feet or more must include a recycling plan. This plan shall contain, at a minimum, the following:
  - (1) A detailed analysis of the expected composition and amounts 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 City of Cape May for any development approved by the Planning Board or Zoning Board of Adjustment of the City of Cape May pursuant

to Subsection A, the owner thereof 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 for those locations or properties where the municipality does not otherwise provide this service.

**§ 434-18. Construction, renovation and demolition debris recovery plan.**

For all activities that require municipal approval, such as construction, demolition or public event permits, a designated recyclable materials plan shall be filed along with all other required permit conditions. The plan shall include information on the anticipated amount of debris to be generated and recycled and provisions for the recovery of all designated recyclable materials generated during construction, renovation and demolition activities, as well as public events. Those applicants who do not comply with the pre-construction requirement will not be issued a building or demolition removal permit. The applicant is required to submit information at the conclusion of their project documenting the actual amount of waste disposed and recycled.

**§ 434-19. Compliance with diversion requirement.**

The Municipal Recycling Coordinator shall review the information submitted pursuant to this article and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Public Works Superintendent and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this article for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

**§ 434-20. Severability.**

If any section, paragraph, subsection, clause or provision of this article shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this article shall be deemed valid and effective.

**§ 434-21. Rules and regulations.**

The City Council is hereby authorized by resolution to promulgate, from time to time, additional rules and regulations relating to the source separation, preparation, placement and collection of designated recyclable materials pursuant to the provisions of this program and article; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this article and shall be approved by the City Council. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

**§ 434-22. Enforcement.**

- A. The Code Enforcement Officer, Recycling Coordinator, Cape May Police Department and Cape May County Health Department shall be the enforcing agents for this article, and shall issue written warnings and summonses for violations of this article.

B. The Cape May County Health Department ("CMCHD") shall be empowered to enforce the provisions of this article. The City shall retain primary enforcement responsibility, with the CMCHD serving in a secondary enforcement role which includes authority to inspect commercial establishments.

**§ 434-23. Violations and penalties.**

Any person, corporation, partnership or association violating the provisions of this article shall be liable, upon conviction, to the penalty stated in Chapter 1, Article III, Penalty. Subject to the discretion of the court, a penalty of appropriate community service may be imposed.

434-24. Effective Date.

All aspects of this Ordinance will be effective immediately upon adoption with the exception of the Single Stream Recycling Requirements which will be effective upon notification by the Cape May County Municipal Utilities Authority that they are properly prepared for this transition.

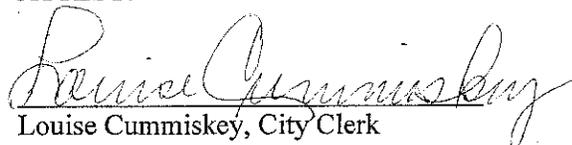
2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

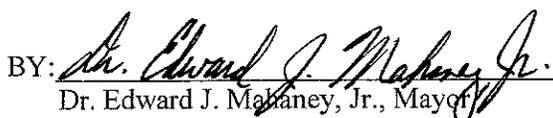
3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

4. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation  
of the State of New Jersey

  
Louise Cummiskey, City Clerk

BY:   
Dr. Edward J. Mahaney, Jr., Mayor

**NOTICE**

Ordinance 256-2012 was introduced at a regular meeting of the City Council of the City of Cape May, held on August 7, 2012 and was further considered for final passage during a meeting of the City Council held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on September 18, 2012 at 7:00 P.M. at which time a Public Hearing was held and the Ordinance was finally adopted.

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Ms. Fiocca	X			
Dr. Mahaney	X			
Mr. Murray			X	
Ms. Swain	X			
Mr. Wichterman	X			

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