

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

ORDINANCE NO. 541-2024

AN ORDINANCE AMENDING SECTION 434 OF THE CITY OF CAPE MAY CODE TO REQUIRE TRASH CANS BE PROVIDED AND MAINTAINED IN CONNECTION WITH FOOD SERVICE BUSINESSES PROVIDING FOR IMMEDIATE CONSUMPTION OFF PREMISES

WHEREAS, Section 434 of the City Code provides regulations for disposal of garbage, trash, and refuse; and

WHEREAS, businesses that provide food for immediate consumption off premises (including, but not limited to, ice cream shops, pizza shops, and “to go” sandwich shops) customarily use single-use packaging. This packaging tends to increase the burden on public trash cans maintained by the City for general public use; and

WHEREAS, having considered the matter, the Cape May City Council has determined that it is appropriate to amend the code to require food service businesses providing for immediate off-premises consumption provide sufficient trash receptacles for the waste generated by their operations; and

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

Section 1. Section 434 of the City of Cape May Code is amended as follows (NOTE: ~~strickethrough~~ portions indicate deletions and **bold/underline** portions indicating new language):

§ 434-5 Disposal.

With respect to the disposal of any refuse, trash, garbage, materials, or normally disposable refuse anywhere in the City:

- A. It shall be unlawful to dispose of such material except in a properly sealed bag, package or container which prevents dogs, cats, rodents, birds and other animals from gaining access to the material and which also prevents the disposed-of materials from being injurious to the health and welfare of the City.
- B. It shall be unlawful to dispose of such material by placing it in paper, plastic or other disposable bags and containers unless such containers meet the performance standards set forth in Subsection A above or unless the property owner has applied in writing to and has received written approval from the City Manager or his designated representative for a temporary exemption from this requirement on the basis of physical handicap, infirmity, sickness, or other similar reason beyond the control of the property owner.

- C. Property owners shall be responsible for arranging for collection of such material from their property and shall maintain any trash bag, can, dumpster or similar container in a neat and sanitary condition at all times. Property owners are encouraged to arrange with properly licensed private trash collection firms to pick up such material from locations on their property which are screened and not plainly visible from the street or public places. Alternatively, property owners may move properly sealed cans or containers to the curb area in front of their properties on the day of scheduled trash collection.
- D. Property owners shall also be responsible to arrange for the prompt removal or movement of trash cans, dumpsters, or containers from the curb area in front of their properties as soon as possible after and on the same day of collection to a location on their property that is screened, enclosed, or otherwise maintained so that the cans, dumpsters or other containers are not plainly visible from the street or public places.
- E. Trash cans (which are used to collect and contain garbage) and kitchen mats or similar devices on which garbage is allowed to fall shall be washed and cleaned inside the premises using them. The trash cans, mats or similar devices shall not be cleaned at the exterior of the premises or onto any street or sidewalk. No such garbage or debris shall be allowed to enter the City's storm sewers.
- F. Trash and garbage haulers shall take all means necessary to prevent liquid residue (trash and garbage "juices") from spilling onto the public streets and sidewalks, or onto the premises where they are maintained. Dumpsters and roll-back-type refuse containers shall be maintained so that no liquid residue (garbage "juice") is permitted to spill onto the premises where they are maintained.
- G. Property owners are responsible for compliance by all residents, tenants, customers, guests and others. Summonses for noncompliance and other notices regarding this article shall be served upon property owners, but may also be served upon residents, tenants, customers, guests and others deemed to be in violation of the provisions of this article.
- H. No person or business shall serve food for immediate consumption off premises unless they provide trash and recycling cans available for public use. For the avoidance of doubt, "food for immediate consumption off premises" includes, but is not limited to, ice cream or frozen confections, pizza, sandwiches, smoothies, and any other food that is served "to go".**

The trash and recycling cans must be within ten (10) feet of the entrance to the business or as otherwise directed or approved by the City Manager. The trash and recycling cans shall be available during normal hours of operation, clearly marked, and maintained for patrons' use. The person or business shall ensure the cans are emptied on a regular basis.


Section 2. 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 3. This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:

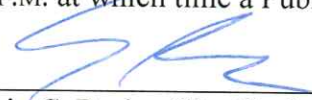
CITY OF CAPE MAY, a municipal corporation of the State of New Jersey


Erin C. Burke, City Clerk

BY: 
Zachary M. Mullock, Mayor

NOTICE

Ordinance 541-2024 was introduced at a Regular meeting of the City Council of the City of Cape May, held on July 16, 2024 and was further considered for final passage during a Regular Meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on August 20, 2024 at 3:00 P.M. at which time a Public Hearing was held.


Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Yeager	X				X	
Meier	X					
McDade	X					
Baldwin	X					X
Mullock	X					

Introduced: July 16, 2024
1st Publication: August 7, 2024
2nd Reading & Adoption: August 20, 2024
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