

ORDINANCE #2007-08

AN ORDINANCE AMENDING ORDINANCE NO. 89-23, AN ORDINANCE PROVIDING FOR SOLID WASTE SERVICES IN THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH

BE IT ORDAINED, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, as follows:

SECTION I

Section X. The provisions of Section X of Ordinance 89-23 are hereby amended as follows:

SECTION X: OTHER GARBAGE COLLECTION

Solid waste disposal service shall be provided by the Borough to other property owners, their agents, lessees, tenants or other occupants in accordance with the following provisions:

A. Commercial and professional properties shall be served in accordance with the provisions of Subsections A and B of IX, Residential Garbage Collection, provided that the maximum number of legal receptacles shall not exceed eight (8). No provisions are made for the collection of waste materials such as tires, waste oil, red bag, (medical waste), or any other waste not collected from a private household. The definition of receptacle as provided for in Ordinance #89-23 is hereby set forth as follows:

RECEPTACLE - A container constructed of such material and in such manner as to hold solid waste and trash and other such items without breaking or collapsing. "Receptacles" shall have handles and covers so that the contents therein are not exposed to weather, animals and vermin. The "receptacle" shall be of such a design and weight as to be able to be conveniently handled by one (1) person. No "container" shall exceed forty gallons in capacity nor weigh more than fifty (50) pounds when loaded. Receptacles which, in the opinion of the Department, are badly broken or fail to meet the requirements of this chapter may be classified as "garbage". A disposable plastic bag shall constitute a receptacle if it is of sufficient strength and durability to hold its contents of solid waste, garbage, rubbish and trash, without breaking when collected.

1. Mechanically collected receptacles shall be required at the sole discretion of the Solid Waste Coordinator, based upon the amount of solid waste generated. The Solid Waste Coordinator shall set forth the number of days each receptacle shall be collected. Each commercial and professional property shall be entitled to two collections per week. Additional collections must be pre-paid and shall be billed in accordance with the following schedule:

2. Commercial and professional properties not required to maintain mechanically collected receptacles, shall be entitled to two solid waste collections per week. Commercial and professional properties requiring more than two solid waste collections per week shall sign up for pickup on a three, five or six-day collection schedule. Additional collections must be pre-paid and shall be billed in accordance with the following schedule:

3-DAY 5-DAY 6-DAY

COLLECTION COLLECTION COLLECTION

Mechanically collected solid

waste receptacles @ \$45/day

over the twice-a-week schedule \$ 585/qtr. \$1,755/qtr. \$2,340/qtr.

Commercial and professional

property solid waste collections

@ \$20/day over the twice-a-week

schedule \$260/qtr. \$ 780/qtr. \$1,040/qtr.

3. Payment shall be due according with the following: January 1st, April 1st, July 1st and October 1st of each year. If the payment date falls on a weekend or holiday, payment shall be due on the next regular business day. If payment is not made within 10 days of each due date, collections shall cease and a summons shall be issued. Collection shall resume at time of payment.

4. The owner or operator of any commercial or professional property may increase or decrease the number of days they are scheduled for solid waste collection on a quarterly basis. Changes must be made at least 10 days prior to the beginning of any quarter. A new form must be filled out and signed indicating the schedule.

5. The owner or operator of any commercial or professional property may call for a special collection for bulk or an extra collection for solid waste at any time during the year. Charges for special collections shall be at the discretion of the Solid Waste Coordinator and must be pre-paid before pickup. Special collections shall not change the quarterly schedule agreed to between the Borough and owner or operator of commercial or professional property.

6. If the owner or operator of any commercial or professional property does not agree to the terms and conditions set forth herein, the owner or operator may arrange for private pickup at his own discretion. The owner or operator shall inform the Borough that collection by Borough employees is no longer desired.

C. changed to B.

SECTION II. VIOLATIONS AND PENALTIES

A. Each collection in violation of the above Ordinance and each day a violation or neglect is committed or permitted to continue shall constitute a separate offense and is punishable as such.

B. Any person, firm or corporation who violates or neglects to comply with any provision of this chapter or any rule, regulation or directive promulgated pursuant thereto shall be punishable, upon conviction thereof, by a fine not to exceed one thousand (\$1,000.00) dollars or by imprisonment for a period not to exceed ninety (90) days, or both. If permitted by general law, a convicted person may be ordered to perform community service.

SECTION III. SEVERABILITY

If any section, subsection, clause or phrase of this Ordinance is held unconstitutional or invalid for any reason, such decision shall not effect the remaining portions of this Ordinance.

SECTION IV. REPEALER

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. EFFECTIVE DATE

This Ordinance shall take effect twenty days after final passage and publication according to law.

INTRODUCED: September 11, 2007

ADOPTED: September 25, 2007