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Title: AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING TITLE 15, SOLID WASTE MANAGEMENT, CHAPTER 4, COLLECTION AND DISPOSAL

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
2/18/2015	1	Municipal Council	Close on Public Hearing and Adopt	Pass
2/4/2015	1	Municipal Council	Adopt on First Reading	Pass
1/21/2015	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING TITLE 15, SOLID WASTE MANAGEMENT, CHAPTER 4, COLLECTION AND DISPOSAL

WHEREAS, the City of Newark's Department of Neighborhood and Recreational Services wishes to make certain operational changes relative to the collection of municipal solid waste in order to perform that function in a more efficient and cost-effective manner; and

WHEREAS, said operational changes primarily involve the collection of municipal solid waste during the overnight hours; and

WHEREAS, as a result of said operational changes, certain provisions of the Code of the City of Newark (the "Code") need to be amended, such as the provisions relating to the hours for placement, removal and storage of waste receptacles; and

WHEREAS, the fines and penalties for violations of the Code provisions relating to the hours for placement, removal and storage of waste receptacles have not been increased since they were first adopted in 2010 (a copy of the adopting Ordinance is attached hereto); and

WHEREAS, the Department of Neighborhood and Recreational Services therefore wishes to increase said fines and penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

SECTION 1:

Section 15:4-10 of the Code is hereby deleted in its entirety and replaced with the following.

15:4-10. RECEPTACLES: TIME OF PLACING AND REMOVING.

a. It shall be unlawful for any person to place or cause to be placed, or permit to remain on the sidewalk, any receptacles or bundle containing refuse material during times other than on the evening before a collection day between the hours of 6:00 p.m. and 10:00 p.m. Collection days for Zone A shall be Mondays and Thursdays, and collection days for Zone B shall be Tuesdays and Fridays. Zones A and B shall be those areas so designated by the Director of Neighborhood and Recreational Services. The time schedule set forth above contemplates solid waste collection beginning at approximately midnight on each particular collection day and continuing until conclusion, which is anticipated to be approximately 6:00 a.m. Empty receptacles must be removed on collection days no later than 10:00 a.m. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred fifty dollars (\$150.00).
2. Second Offense. A fine of three hundred dollars (\$300.00).
3. Third Offense. A fine of five hundred dollars (\$500.00) and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand, five hundred dollars (\$1,500.00) and/or up to ninety (90) days of community service, and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. Whenever a premises' waste is removed at the owners' expense by an authorized collector other than the City or its agent, as set forth in Section 15:4-14, such person shall arrange with the collector to have the waste removed on the same day the as regularly scheduled collection for that area, as set forth by the Director of the Department of Neighborhood and Recreational Services. In the event that the premises receive once a week collection, the owner may choose either of the regularly scheduled collection days in arranging for the premises' collection. If the premises receives collection on more days than the City normally collects in the area, the waste may be placed at the curb at the times set forth in paragraph a. above as long as such waste is collected before 6:00 a.m. the following day. If collection does not occur before 6:00 a.m., the waste shall be retained in a secure manner whether within or behind the premises and shall not be placed at the curb until the authorized collector arrives at the premises, except on the day the City normally collects in that area.

c. If any receptacles or bundles that are referred to in this section are found to remain on the sidewalk at any time other than the times permitted by this Title, then it shall be presumed that the bundles or receptacles are there with the knowledge of the manager and the owner of the property adjacent to the sidewalk.

SECTION 2:

Section 15:4-11 of the Code is hereby amended as follows (note - insertions are shown in bold underlined text, and deletions are shown in bold strikethrough text).

15:4-11. RECEPTACLE; PLACEMENT AND STORAGE.

a. The owner, lessee, tenant or other occupant of every privately owned building shall, ~~on the scheduled day for collection in accordance with the times set forth in Section 15:4-10(a) above~~, place or have placed all refuse material for collection in some convenient location outside of the building proper, between the curb and sidewalk, or if there is no space between the curb and sidewalk, but not in a manner to block pedestrian traffic, where such material will be easily accessible to the collector.

b. Receptacles awaiting collection shall be stored or kept in such places so as to ensure the receptacles do not cause a health problem or create a nuisance for the general public or for owners or residents of the property in question or of abutting properties. Except as otherwise provided in Section 15:4-1, no containers shall be stored in the street, on the curb or in a public right of way.

c. It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

d. It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

e. It shall be unlawful for any property owner to park or permit the parking of any vehicle on any residential lawn, or on any publicly owned unpaved City-owned lot. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of ~~one hundred (\$100.00) dollars~~ one hundred fifty dollars (\$150.00).
2. Second Offense. A fine of ~~two hundred (\$200.00) dollars~~ three hundred dollars (\$300.00).
3. Third Offense. A fine of ~~three hundred fifty (\$350.00) dollars~~ five hundred dollars (\$500.00) and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

SECTION 3:

Any prior ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistency.

SECTION 4:

If any part of this Ordinance is declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

SECTION 5:

This Ordinance shall take effect upon final passage and publication, and in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance changes [1] the time during which residents must put out solid waste receptacles for collection and [2] certain fines and penalties.