Legislation Text

File #: 15-1071, **Version:** 1

AN ORDINANCE AMENDING TITLE XV (SOLID WASTE MANAGEMENT), CHAPTERS 1 (DEFINITIONS) AND 4 (COLLECTION AND DISPOSAL), OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, BY THE ADDITION OF NEW PROVISIONS RELATING TO THE COLLECTION AND REMOVAL OF BULK WASTE ITEMS.

WHEREAS, the City of Newark's Department of Neighborhood and Recreational Services wishes to add a definition regarding bulk waste items to the Solid Waste Management definitions in order to provide a clear list of items that are classified as "bulk" to be placed outside on bulk collection day; and

WHEREAS, the City of Newark's Department of Neighborhood and Recreational Services wishes to insert new ordinance provisions which: [1] establish a collection limit of ten (10) bulk items that can be placed outside on bulk collection day, [2] provide that if more than ten (10) bulk items are placed outside on bulk collection day, then the items exceeding the allowed amount shall be removed immediately (on the same day.)by a private hauler at the owner's expense, and; [3] establish fines and penalties for the violation of said provisions.

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

SECTION 1. ADOPTION OF ORDINANCE DEFINING BULK WASTE ITEMS

Title XV (Solid Waste Management), Chapter 1 (Definitions), Section 1 (Definitions), of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is hereby amended and supplemented by the insertion of the following new definition:

> **Bulky household waste** or **bulk items** shall mean household items that include couches, tables, chairs, mattresses, dressers, closets, rugs, exercise equipment and vanities. The terms shall not include doors, windows, televisions, concrete, rocks, dirt, sheetrock or any construction debris.

SECTION 2. ADOPTION OF ORDINANCE REGULATING BULK WASTE ITEMS

Title XV (Solid Waste Management), Chapter 4 (Collection and Disposal), Section 11 (Receptacle; Placement and Storage), of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is hereby amended and supplemented by the insertion of the following new Subsection f:

> f. Every residential privately owned property shall be limited to ten (10) bulk items that can be placed outside on the scheduled bulk collection day. Anything exceeding ten (10) bulk items shall be removed by a private hauler, on the same day, at

the owner's expense. Any person, firm, corporation, or entity that violates, fails or neglects to comply with the provisions of this Subsection, 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 two hundred-fifty dollars ($250.00) for each item over ten (10) bulk items. If the bulk waste items are not picked up on the same day, then a fine of an additional two hundred fifty dollars ($250.00) per day shall be assessed until abated.

2. Second Offense. A fine of three hundred fifty dollars ($350.00).

3. Third Offense. A fine of four hundred fifty dollars ($450.00) 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 the provisions of this Subsection 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. REPEALER

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

SECTION 4. SEVERABILITY

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Newark Municipal Council declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE

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

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STATEMENT

This Ordinance amends Title XV (Solid Waste Management), Chapters 1 (Definitions) and 4 (Collection and Disposal), of the City of Newark's ordinances, by adding new provisions relating to the classification, collection and removal of bulk waste items, and assesses fines and penalties for the violation of these provisions.