



Legislation Text

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AN ORDINANCE AMENDING TITLE XV, SOLID WASTE MANAGEMENT, CHAPTERS 1, DEFINITIONS AND CHAPTER 4, COLLECTION AND DISPOSAL, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, BY THE ADDITION OF A NEW PROVISION RELATING TO THE COLLECTION AND REMOVAL OF SOLID WASTE FOR PRIVATELY OWNED STRUCTURES OF TEN (10) UNITS OR MORE.

WHEREAS, N.J.S.A. 40:66-1(a) empowers the City of Newark to enact such laws and regulations as are necessary to protect the public health and welfare from the ills of solid waste disposal; and

WHEREAS, it has long been held that municipalities may determine the method of disposing municipal waste so long as such a process does not deny its residents due process and equal protection of the law; and

WHEREAS, the Department of Public Works is charged with the administration and enforcement of the City of Newark's Ordinance regarding Solid Waste Management; and

WHEREAS, the Director of the Department of Public Works is also "...authorized to establish, from time to time, such regulations as may be necessary or expedient to carry out the intent..." of the City of Newark's Ordinance; and

WHEREAS, "Sufficient receptacle" as defined in Title XV of the City's Ordinance "...mean[s] at least one (1) metal or plastic freestanding can or barrel for each family unit residing on the premises..." ; and

WHEREAS, the Director of the Department of Public Works has found that requiring privately owned structures of ten (10) or more units to produce ten (10) or more free standing cans or barrels of solid waste creates a nuisance and public health hazard; and

WHEREAS, the Director of the Department of Public Works has determined that requiring privately owned structures of ten (10) or more units to maintain a single four (4) yard container creates less of a nuisance, provides a more sanitary method of disposing of Solid Waste and may be necessary or expedient to carry out the intent..." of the City of Newark's Solid Waste Ordinance; and

WHEREAS, the City's Department of Public Works wishes to amend Title XV, Solid Waste Management, Chapters 1, Definitions and Chapter 4, Collection and Disposal of the General Ordinances of the City of Newark, New Jersey, 2000 by mandating that privately owned structures and/or apartments of ten (10) or more units shall have a four (4) yard container for solid waste disposal and removal and establish fines and penalties for the violation of said provision.

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

SECTION 1. 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 g as follows:

Note: Additions are shown as Underlined and Bold. Deletions are shown as Strikethroughs.

g. Every privately owned structure and/or apartment complex consisting of ten (10) or more units shall have a sufficient number of four (4) yard cubic containers for solid waste disposal and removal as required by the refuse generated. A property owner can make application to the Director of the Department of Public Works for an exemption from this section or a reduction of the requirement. 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). 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 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.

STATEMENT

This Ordinance amends Title XV, Solid Waste Management, Chapter 4, Collection and Disposal, of the City of Newark's Ordinances, by adding a new provision relating to the collection and removal of refuse items for privately owned structures and/or apartments of ten (10) or more units, and assesses fines and penalties for the violation of this provision.