

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

ORDINANCE NO. 551-2025

**AN ORDINANCE AMENDING CITY CODE TO PROVIDE FOR
CONTROL OF PLASTIC DUST AND CONTAMINANTS**

WHEREAS, the City of Cape May recognizes the importance of maintaining clean and safe worksites to protect the environment and public health; and

WHEREAS, it is imperative that contractors take measures to minimize the release of dust and plastic contaminants from their worksites, including microplastics, thereby preventing harm to the environment and the community; and

WHEREAS, the City of Cape May seeks to regulate construction practices to ensure compliance with environmentally responsible procedures and to prevent unnecessary release or disbursement of microplastics in the City; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety, and general welfare to exercise its police power to provide reasonable regulations to prevent the plastic dust and contaminants; and

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

Section 1. Chapter 194 of the City Code shall be amended to include the following new section:

Article IV - Control of Plastic Dust and Contaminants

§ 194-24 Definitions

For the purposes of this ordinance, the following definitions apply:

"Contractor" refers to any individual or entity engaged in construction, renovation, or related activities within the City of Cape May.

"Worksites" shall include all locations within the jurisdiction of the City of Cape May where construction, renovation, or related activities are taking place.

§ 194-25 Dust, Trash and Plastic Contaminants Control

Contractors operating within the City of Cape May, in addition to other regulatory requirements, shall adhere to the following to control dust, trash, and plastic contaminants at their worksites:

- a. When cutting or drilling AZEK, TREX, any fiberglass, plastic, poly-compound materials, cement board, plastics or wood, contractors shall use a vacuum attachment on all saws

when practical to minimize the release of dust and micro plastic particles.

- b. Contractors shall cut and drill in confined spaces to keep dust levels to a minimum and facilitate ease of cleanup.
- c. Contractors shall not engage in cutting or drilling activities without placing a tarp under power tools to catch debris and contaminants.
- d. Contractors shall tarp their work areas and clean the area a minimum of once a day to prevent the dispersion of dust and plastic contaminants.
- e. Contractors shall clean up all wood and plastic contaminants before leaving their worksites, ensuring that no waste is left behind nor can be blown into neighboring properties or the street.
- f. Contractors are responsible for informing their employees and subcontractors of the requirements and obligations set forth in this ordinance.

§ 194-26 Prohibition on Storm Drain Disposal

Contractors are strictly prohibited from blowing debris, dust, or plastic contaminants into streets and/or storm drains. All contractors must dispose of waste materials properly in accordance with existing municipal waste disposal regulations. Contractors must separate waste and recyclable materials, such as cardboard, and dispose of the same in accordance with City ordinances.

Contractors whose job site drains to a public stormwater inlet after stormwater leaves the property, shall install a filter at the stormwater inlet prior to cutting, drilling, or any activity regulated by this Section. The filter shall be Polypropylene Geotextile which conforms to ASTM Test D4491, D4751 and D4355.

§ 194-27 Compliance and Enforcement

Any person, firm, corporation or association violating the terms of this chapter, whether as principal, agent or employee of another, shall be subject to the penalties as provided in Chapter 1, Article III of the City Code. If the violation is of a continuing nature, each day during which it continues constitutes a separate and distinct offense.


It shall be the duty of the Code Enforcement Official to determine whether this chapter has been and is being complied with and to enforce the provisions of this chapter against any person violating the same.

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 551-2025 was introduced at a Regular meeting of the City Council of the City of Cape May, held on January 22, 2025 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 February 19, 2025 at 5:00 P.M. at which time a Public Hearing was held.


Erin C. Burke, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain | Motion | Second |
|-----------|------|------|--------|---------|--------|--------|
| Meier | X | | | | | |
| McDade | X | | | | | |
| Bodnar | X | | | | X | |
| Baldwin | X | | | | | X |
| Mullock | X | | | | | |

Introduced: January 22, 2025
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