

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

ORDINANCE NO. 555-2025

AN ORDINANCE AMENDING SECTION 434 OF THE CITY OF CAPE MAY CODE  
TO ESTABLISH LIMITS ON CITY RECYCLING COLLECTION AND REQUIRE  
PRIVATE COLLECTION FOR AMOUNTS EXCEEDING THOSE LIMITS

WHEREAS, Section 434 of the City Code provides for the proper collection, removal and disposition of all solid waste and recyclable materials; and

WHEREAS, the Public Works Department has reviewed recycling practices throughout the City and noted certain increased burdens on City resources from commercial properties with large amounts of recycling; and

WHEREAS, having considered the matter, the Cape May City Council has determined that it is appropriate to amend the code to provide for limits on public collection to lessen the burden on the City's resources and require property owners and manager to arrange for private collection on these excess amounts; and

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

**Section 1.** Section 434 of the City of Cape May Code is amended as follows (~~strikethrough~~ portions indicate deletions and **bold/underline** portions indicating new language):

§ 434-15 Residential dwelling compliance requirements.

**A.** The owner of each property shall be responsible for compliance with this article. For multifamily units, including but not limited to condominium complexes ~~and seasonal hotel/motels and guest houses~~, the management, owner, and/or condominium association is responsible for establishing and maintaining the recycling system, including collection of source-separated recyclable materials, except for those designated recyclable materials for which municipal collection service is provided to multifamily units. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding recycling requirements to all new tenants when they arrive and with a reminder a minimum of every six months during their occupancy.

**B. Residential property owners shall comply with the following additional requirements:**

- 1. Single family and two-family properties shall be permitted up to 192 gallons total for City collection per week. Individual containers for residential collection shall not exceed the size of a 96 gallon can.**

Multi-family properties (with three or more units) shall be permitted (i) one (1) 96-gallon can per unit, but not to exceed six (6) 96-gallon cans or (ii) up to 576 gallons total, or, (iii) a two yard dumpster, for City collection per week. For any amounts generated in excess of these limits, those properties shall be responsible to arrange for private collection.

Example A: A four-unit residential condominium shall be permitted four (4) 96 gallon cans, or, up to 384 gallons total per week.

Example B: An eight-unit residential condominium shall be limited to six (6) 96-gallon cans, or, up to 576 gallons total per week.

2. All recycling containers must be equipped with a lid. If not placed for collection in a container, any cardboard must be tied, bundled, or otherwise secured for collection. Any dumpster utilized for collection must be capable of being enclosed or otherwise screened from view from the nearest public right of way.

§ 434-16 Commercial establishment compliance.

- A. All commercial, business or industrial facilities shall be required to comply with the provisions of this article. For the avoidance of any doubt, this section is intended to apply to all commercial premises including but not limited to hotels/motels, restaurants, retail, and mixed-use properties.
- B. The arrangement for collection of all categories of designated mandatory recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or its designee, except for those specific designated recyclable materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees or the public shall provide litter and recycling receptacles. ~~These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.~~

**C. The following collection limits shall apply:**

All commercial, business or industrial facilities shall be permitted no more than (i) four (4) 96-gallon cans, or, (ii) four (4) bundles not to exceed 3' x 3' x 4' each, or, (iii) a two-yard dumpster for City collection per week.

Mixed-use properties (ground floor commercial units with one or more residential units above) shall be permitted (i) one (1) 96-gallon can per unit, but not to exceed six (6) 96-gallon cans or (ii) up to 576 gallons total, or, (iii) a two yard dumpster, for City collection per week. For any amounts generated in excess of these limits, those properties shall be responsible to arrange for private collection.



All recycling containers shall strictly conform to the parameters set forth herein and must be equipped with a lid. If not placed for collection in a container, any cardboard must be tied, bundled, or otherwise secured for collection. In the event bundles are utilized in lieu of cans or a dumpster, the bundles shall be arranged for hand pickup and in increments not to exceed 50 pounds. Any dumpster utilized for collection must be capable of being enclosed or otherwise screened from view from the nearest public right of way.

Example A: A mixed-use property with one commercial ground floor unit and three residential units above shall be permitted no more than six (6) 96 gallon cans or up to 576 gallons per week, or a two yard dumpster.

Example B: A mixed-use property with one commercial ground floor unit and one residential unit above shall be permitted either five (5) 96 gallon cans, or a two yard dumpster.

In either case, the provision of a dumpster for collection is encouraged over cans.

Notwithstanding the above, the City Manager and Municipal Recycling Coordinator shall have the authority to direct the manner of collection for business owners owning and/or occupying properties within the Washington Street Mall Business Improvement District (BID) as set forth in Chapter 505 of the City Code for purposes of assuring the safety and attractiveness of the District.

Any property owner in the City of Cape May shall also have the ability to bring excess recycling materials for drop-off at the municipal recycling station, located at 830 Canning House Lane, Cape May, NJ 08204, no less than five (5) days a week at regular hours to be determined by the City Manager.

- D.** Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at its premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the premises by a hauler, recycler or paper shredder, the quantity and final disposition of the material is to be reported on the form.
- E.** All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

**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:



Erin Burke, City Clerk

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

BY: 

Zachary M. Mullock, Mayor

### NOTICE

Ordinance 555-2025 was introduced at a Regular meeting of the City Council of the City of Cape May, held on March 18, 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 April 15, 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				X	
McDade	X					X
Bodnar	X					
Baldwin	X					
Mullock	X					

Introduced:	March 18, 2025
1 <sup>st</sup> Publication:	March 26, 2025
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