

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #21/22

**AN ORDINANCE ESTABLISHING TIME RESTRICTIONS ON THE COLLECTION
OF SOLID WASTE AND RECYCLABLE MATERIALS BY PRIVATE PARTIES
WITHIN THE TOWN**

WHEREAS, the collection of solid waste and recyclable materials by private parties at haphazard times within the Town of West New York (“the Town”) is detrimental to the public welfare; and

WHEREAS, it is within the police powers of the Town to regulate the hours of collection of solid waste and recyclable materials by private parties within the Town; and

WHEREAS, it is in the best interests of the Town to regulate the hours of collection of solid waste and recyclable materials by private parties within the Town as has been successfully done in other adjacent municipalities, without issue.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey that the Code of the Town of West New York is hereby amended as follows:

SECTION I.

§ 306-3 “Disposal and separation requirements; collection.” of the Code of the Town of West New York is amended to include a subsection “E.” that shall read as follows:

The collection times for both solid waste and recyclable materials for commercial and industrial establishments within the Town, by private parties, shall be between the hours of 12:00 a.m. to 7:00 a.m.. Such solid waste and recyclable material pick-up shall be completed Town-wide no later than 7:00 a.m..

SECTION II.

§ 306-22 “Violations and penalties.” of the Code of the Town of West New York is amended to read as follows:

Any person, firm, corporation or association violating the terms of this article, whether as principal, agent or employee of another, shall be subject to a fine of \$100 for each violation. If the violation is of a continuing nature, each day during which it continues constitutes a separate and distinct offense.

In addition to the foregoing, any person, firm, corporation or association violating the terms of § 306-3 “Disposal and separation requirements; collection” whether as principal, agent or employee of another, shall be subject to a fine of \$500 for a first violation, and \$1,000 for each subsequent and additional violation.

SECTION III.

§ 348-7(E) "Receptacles." of the Code of the Town of West New York is amended to read as follows:

All refuse, garbage, combustible waste and noncombustible waste picked up from any commercial enterprise by a private entity engaged in the business of collecting and removing garbage from commercial enterprises shall be completed on the day scheduled for pickup between the hours of 12:00 a.m. to 7:00 a.m..

SECTION IV.

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION V.

Repealer. All 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 VI.

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Code of the Town of West New York. The Town Clerk and the Town Attorney be and are hereby authorized and directed to correct any typographical error in this Ordinance and change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town of West New York, or as they may otherwise deem appropriate, even if the headings, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

SECTION VII.

This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

This Ordinance establishes time restrictions on the collection of solid waste and recyclable materials by private parties within the Town.

Introduced: August 10, 2022

Adopted: September 7, 2022

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **September 7, 2022** and at said date was duly and finally adopted after public hearing thereon.

Adelanny Plaza, RMC
Town Clerk

Commissioner Victor M. Barrera

Commissioner Cosmo A. Cirillo, PhD.

Commissioner Margarita A. Guzman

Commissioner Yoleisy Yanez

Mayor Gabriel Rodriguez
BOARD OF COMMISSIONERS

Attest: _____
Adelanny Plaza, RMC
Town Clerk