

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2021-07

Title: **AN ORDINANCE AMENDING CHAPTER 570, SOLID WASTE, SPECIFICALLY SUBSECTION 15, SCRAPPING, OF THE CODE OF THE TOWNSHIP OF LOWER, TO MODIFY ANNUAL LICENSING AND REGISTRATION FEES**

WHEREAS, pursuant to N.J.S.A. 40:52-1 et seq. the Township of Lower is given the power to license and regulate commercial activities within its jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 40:52-2, the Township of Lower "may fix the fees for all such licenses, which may be imposed for revenue, and may prohibit all unlicensed persons and places and vehicles, businesses and occupations from acting, being used, conducted or carried on" within its jurisdiction; and

WHEREAS, §570-15 of the Code of the Township of Lower defines "scrapping" as "any action taken by those independent persons or entities, not associated with the Township of Lower, who engage in the practice of searching and gathering certain discarded bulk materials for the purpose of resale to recycling entities;" and

WHEREAS, in light of the costs associated with accepting and processing scrapping applications and the costs associated with preparing and printing scrapping licenses, in comparison to the limited number of scrapping licenses issued by the Township, the Township Council of the Township of Lower deems it appropriate to vacate the application/registration fees associated with scrapping licenses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

Section 1. Chapter 570, Solid Waste, Subsection 15, Scrapping, is hereby repealed and replaced with:

570-15 Scrapping.

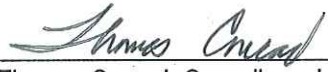
- A. Title. The new revised Article II, § 570-15, shall be titled "Scrapping."
- B. Definition. For the purpose of this article, "scrapping" is hereby defined as any action taken by those independent persons or entities, not associated with the Township of Lower, who engage in the practice of searching and gathering certain discarded bulk materials for the purpose of resale to recycling entities.
- C. Bulk materials vs. normal household materials. Bulk materials are hereby defined as any materials other than those recyclable materials normally picked up by Lower Township on a regular basis (i.e., aluminum, tin, steel cans, glass, plastic, cardboard, paper, etc., hereinafter "normal household recyclables"). Scrappers are hereby specifically prohibited from gathering normal household recyclables.
- D. Permit required; fee. All such persons described above (hereinafter referred to as "scrappers"), prior to conducting the activities described in Subsection B above, shall first obtain a permit from the Township before conducting any such activity. There shall be no fee charged in connection with the application and licensing of individuals engaged in scrapping; however, annual registration is required. Said one-year period shall run from January 1 to December 31.
- E. Applicant requirements. In order to qualify for said permit each applicant must show that he or she is a Lower Township resident and present a valid driver's license, registration and valid proof of insurance for any vehicle intended to be used for this activity. The applicant is hereby further required to sign an indemnification agreement indemnifying the Township from any liability as a result of the actions of the applicant or any agent of the applicant while conducting any activities pursuant to this section.


- F. Accounting of materials taken. All persons acting under this section are to provide copies of receipts from the salvage yard to the Township setting forth only the weight and type of material removed from Lower Township.
- G. All activities under this section are limited to only those areas designated herein for placement of any recyclable materials for pickup by the Township (i.e., curbside) and those specifically authorized by the property owner.
- H. All persons conducting the activities described herein and are to leave any areas where such activity has been conducted in a neat and orderly fashion.
- I. Storage. No material gathered pursuant to any activity governed under this section is to be stored anywhere in the Township of Lower, unless stored in an area previously and expressly approved by the Township of Lower as being an appropriate site for the storage of such materials.

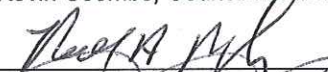
Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

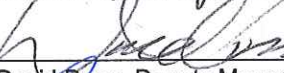
Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

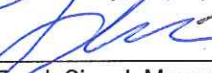
Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.


Thomas Conrad, Councilmember


Kevin Coombs, Councilmember

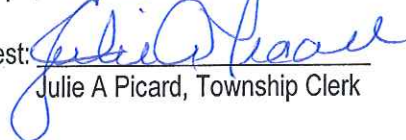

Roland Roy, Jr., Councilmember


David Perry, Deputy Mayor


Frank Sippel, Mayor

First Reading: March 13, 2001

Adopted: April 5, 2001

Attest: 
Julie A Picard, Township Clerk