

ORDINANCE NO. 2023-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING § 336-2 OF THE CODE OF THE TOWNSHIP OF MIDDLETOWN
GOVERNING COLLECTION TIMES FOR SOLID WASTE AND RECYCLING**

WHEREAS, as part of the solid waste and recycling program of the Township of Middletown (the “Township”), the Township’s solid waste and recycling collection contractor is required to service various zones on specified days of the week in compliance with the Township’s ordinances and its contract; and

WHEREAS, the Township’s existing noise ordinance precludes the collection of solid waste and recycling between the hours of 9:00 p.m. and 6:00 a.m.; and

WHEREAS, changes in the operation of the Monmouth County Reclamation Center following privatization of that landfill have required adjustments in the schedule pursuant to which solid waste and recycling collection vehicles must transport solid waste and recycling from the Township to the Monmouth County Reclamation Center; and

WHEREAS, limiting the Township’s solid waste and recycling collection contractor’s collection times to the hours of 6:00 a.m. through 9:00 p.m. is exacerbating traffic conditions on certain Township roads that already experience increased traffic due to pedestrian, school vehicle, and passenger vehicle activity during high-traffic hours; and

WHEREAS, allowing the Township’s solid waste and recycling contractor’s collection vehicles to collect solid waste and recycling on certain high-traffic roads prior to 6:00 a.m. will promote public safety by lessening the number of slow-moving solid waste and recycling collection vehicles making frequent stops on high-traffic roads during periods of heavy traffic; and

WHEREAS, the need to ensure appropriate levels of solid waste and recycling collection service for all residents, while protecting public safety and alleviating increased traffic, warrant an adjustment of the permitted collection times for solid waste and recycling under the Township’s ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that § 336-2 of the Code of the Township of Middletown be and is hereby amended and supplemented as follows:

SECTION 1. Amendment to § 336-2(C).

No person or entity shall engage in the active collection of ~~garbage or refuse~~ **solid waste or recycling**, utilizing specialized vehicles or equipment, outdoors between the hours of 9:00 p.m. to 6:00 a.m. in the Township, **except as otherwise permitted by contract between the Township and its solid waste and recycling contractor(s)**. This does not affect or preclude the legal driving of any such specialized vehicles on streets in the Township during the prohibited hours. This prohibition does not apply to emergency debris pickup or cleanup on public or private property reasonably required to preserve property or safety, or debris or refuse collection or cleanup pursuant to a directive or waiver issued by the Township Construction Official or other police or public health/safety official.

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 4. Severability.

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. Effective Date.

This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.