

**BOROUGH OF LAVALLETTE  
OCEAN COUNTY, NEW JERSEY**

**ORDINANCE NO. 2026-07 (1292)**

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 2024-08 (1259) AND CHAPTER 55 OF THE CODE OF THE BOROUGH OF LAVALLETTE, ENTITLED “SOLID WASTE,” TO PROVIDE FOR THE YEAR-ROUND PROHIBITION ON MUNICIPAL COLLECTION OF GARBAGE AND SOLID WASTE FROM COMMERCIAL RETAIL FOOD ESTABLISHMENTS AND TO REQUIRE YEAR-ROUND PRIVATE COLLECTION BY SUCH ESTABLISHMENTS**

**WHEREAS**, the Borough of Lavallette (“Borough”) is a body politic and corporate constituting a political subdivision of the state of New Jersey and as such is a municipal corporation duly organized and existing under the laws of the State of New Jersey; and

**WHEREAS**, the Mayor and Council of the Borough of Lavallette previously adopted Ordinance No. 2024-08 (1259), amending Chapter 55 (Solid Waste) of the Code of the Borough of Lavallette, which established a seasonal prohibition on municipal garbage and solid waste collection from Commercial Retail Food Establishments between May 1 and September 30 of each year, while continuing municipal collection from such establishments between October 1 and April 30; and

**WHEREAS**, under Ordinance No. 2024-08 (1259), Commercial Retail Food Establishments were required to arrange for private garbage and trash collection only during the period of May 1 through September 30 of each year; and

**WHEREAS**, the Governing Body finds that Commercial Retail Food Establishments generate substantially more garbage and solid waste than private residences and other commercial establishments on a year-round basis; and

**WHEREAS**, the Governing Body further finds that it is in the best interest of the public health, safety, and welfare of the Borough and its taxpayers that the Borough cease municipal garbage and solid waste collection from Commercial Retail Food Establishments on a year-round basis, and that such establishments be required to arrange for private garbage and trash collection at their own expense throughout the entire year; and

**WHEREAS**, the Borough shall continue to provide year-round municipal collection of recyclable materials from all Commercial Retail Food Establishments consistent with applicable State law and the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq.; and

**WHEREAS**, the Governing Body finds that this Ordinance is in the public interest and consistent with the Borough’s obligations and authority under N.J.S.A. 40:66-1 et seq. and applicable solid waste management law;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Lavallette, Ocean County, New Jersey, as follows:

**SECTION 1.** Amendment to § 55-5 of Chapter 55 (Solid Waste) — Municipal Collection Program; Commercial Retail Food Establishments

Section 55-5 of Chapter 55 (Solid Waste) of the Code of the Borough of Lavallette, as previously amended by Ordinance No. 2024-08 (1259), is hereby further amended and supplemented by deleting Subsections B, C, and D in their entirety and replacing them with the following new Subsections B, C, and D, to read as follows:

**§ 55-5. Municipal Collection Program.**

**A.** There is hereby established a program for the municipal collection of garbage from all residences and commercial and institutional establishments, **except for Commercial Retail Food Establishments**, and bulky waste collection from residences within the Borough of Lavallette. The Borough Council shall annually, by resolution, establish a cleanup week or weeks for residential properties.

**B. Year-Round Prohibition on Municipal Collection from Commercial Retail Food Establishments.** The Borough of Lavallette shall not collect any garbage and/or solid waste from any Commercial Retail Food Establishment within the Borough of Lavallette at any time during the calendar year. This prohibition applies year-round, without limitation to any particular season, month, or time period.

**C. Year-Round Requirement for Private Collection by Commercial Retail Food Establishments.** All owners and operators of Commercial Retail Food Establishments within the Borough of Lavallette shall, throughout the entire calendar year, arrange for private garbage and trash collection from their establishment as often as necessary to handle the amounts of waste generated, and in accordance with all provisions and requirements of Article II of Chapter 55 of the Code of the Borough of Lavallette. No owner or operator of a Commercial Retail Food Establishment shall place, cause, or permit any garbage or solid waste to be set out for municipal collection.

(1) Private collection shall be arranged with a licensed solid waste collector holding a valid certificate pursuant to N.J.S.A. 13:1E-1 et seq. and applicable State regulations.

(2) Garbage and trash from Commercial Retail Food Establishments shall be stored in adequate, covered, leak-proof, and vermin-proof containers on the premises of the establishment pending collection, consistent with the storage requirements of § 55-17 of this chapter and applicable provisions of Article II.

(3) Containers shall be located in an area that is screened from public view where practicable, and shall not be stored in any manner that creates a nuisance, health hazard, or safety risk.

(4) All Commercial Retail Food Establishments shall, upon request of the Borough Zoning Officer, Code Enforcement Officer, or Health Officer, provide documentation of their private solid waste collection contract or arrangement.

**D. Recyclables Collection.** Notwithstanding the foregoing, the Borough of Lavallette shall continue to provide year-round collection of recyclable materials from all Commercial Retail Food Establishments within the Borough of Lavallette, consistent with the requirements of § 55-5E of this chapter and applicable State law.

## **SECTION 2.** Amendment to § 55-3 of Chapter 55 (Solid Waste) — Definitions

Section 55-3 of Chapter 55 (Solid Waste) of the Code of the Borough of Lavallette, as previously amended by Ordinance No. 2024-08 (1259), is hereby confirmed and retained in its entirety. The definition of “Commercial Retail Food Establishment” as set forth in Ordinance No. 2024-08 (1259) shall remain in full force and effect and is incorporated herein by reference, including all subcategories, inclusions, and exclusions set forth therein.

## **SECTION 3.** Supersession of Conflicting Provisions of Ordinance No. 2024-08 (1259)

To the extent that any provision of Ordinance No. 2024-08 (1259), including former § 55-5B, § 55-5C, and § 55-5D as enacted thereby, is inconsistent with or conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall control and supersede such prior provisions. Specifically, the seasonal limitation on the private collection requirement (formerly May 1 – September 30) and the seasonal municipal collection program for Commercial Retail Food Establishments (formerly October 1 – April 30) are hereby eliminated and replaced by the year-round private collection requirement set forth in § 55-5C of this Ordinance as amended herein.

## **SECTION 4. Violations and Penalties.**

Any owner or operator of a Commercial Retail Food Establishment who violates any provision of this Ordinance, including failure to arrange for private garbage and trash collection on a year-round basis, shall be subject to the penalty provisions of Chapter 55 of the Code of the Borough of Lavallette, including but not limited to the penalties set forth in § 55-20 thereof. Each day that a violation continues shall constitute a separate offense.

## **SECTION 5. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

## **SECTION 6. Repealer.**

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. For the avoidance of doubt, Subsections B, C, and D of § 55-5 as enacted by Ordinance No. 2024-08 (1259) are hereby repealed and replaced by the amended provisions set forth in Section 1 of this Ordinance.

**SECTION 7. Effective Date.**

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

**NOTICE**

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**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on the April 7, 2026. It will be further considered for second reading and final passage at a meeting of the Borough Council held on the 20<sup>th</sup> day of April 2026 at 7:00 pm at the Council Chambers in the Municipal Building Complex located at 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

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Donnelly Amico  
Municipal Clerk