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UTILITIES - NEW JERSEY

Kiejdan Family, LLC v. Borough of Woodbine

Superior Court of New Jersey, Appellate Division - May 26, 2015 - Not Reported in A.3d - 2014 WL 8881145

New Jersey law requires a municipality that provides solid waste collection services to its residents to reimburse multifamily dwellings for the cost of providing such service, up to the amount the municipality would have expended had it provided such services directly to the multifamily dwelling. As an alternative to reimbursement, the statute permits a municipality to provide solid waste collection services to multifamily dwellings in the same manner as provided to the residents who live along public roads and streets.

Borough denied owner of apartment complex the statutory reimbursement, asserting that it would pick up solid waste at the apartment complex provided residents placed their trash at "curbside," a task the owner claimed was impractical and inimical to the public health. The trial court entered judgment in favor of apartment complex, ruling that requiring the apartment complex to place solid waste curbside was not a reasonable statutory alternative to reimbursing Woodbine Manor for solid waste collection. The Borough appealed.

The appeals court affirmed, holding that the trial court's opinion that the Borough had not offered Woodbine Manor a reasonable alternative to statutory reimbursement and that curbside collection on Webster Street was arbitrary was supported by ample credible evidence in the record and based on a correct interpretation of the Supreme Court's pronouncements.