

T O W N S H I P O F M A U R I C E R I V E R
O R D I N A N C E N O . 5 9 5

AN ORDINANCE OF MAURICE RIVER TOWNSHIP, CUMBERLAND COUNTY, NEW JERSEY RESCINDING ORDINANCE NO. 371 AND ADOPTING A MODEL MUNICIPAL SOURCE SEPARATION AND RECYCLING ORDINANCE AS DEVELOPED BY THE STATE OF NEW JERSEY AND RECOMMENDED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the Township previously adopted *Ordinance No. 371* providing for the collection and disposal of recyclable materials throughout the Township of Maurice River; and

WHEREAS, there exists a need to rescind said Ordinance and to adopt a new model ordinance developed by the State of New Jersey and recommended by the Cumberland County Improvement Authority; and

WHEREAS, said adoption is necessary to make the Township's Ordinance consistent with State's standards and to streamline enforcement procedures.

NOW, THEREFORE BE IT ORDAINED AND ENACTED that The Township Committee of Maurice River Township, Cumberland County, New Jersey, does hereby ordain that *Ordinance No. 371* (providing for the collection and disposal of recyclable materials) of the Township of Maurice River, Cumberland County, New Jersey, as adopted and any subsequent amendments are hereby rescinded.

BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey (not less than two-thirds of the full membership thereof affirmatively concurring) hereby adopts a new model ordinance developed by the State of New Jersey and recommended by the Cumberland County Improvement Authority which is consistent with State's standards and which streamlines enforcement procedures as follows:

19-1 RECYCLING

19-1.1 Findings. The New Jersey Solid Waste Management Act ("SWMA"), N.J.S.A. 13:1E-1 et seq., as amended by the New Jersey Statewide Mandatory Source Separation and Recycling Act ("Act"), P.L. 1987, c. 102, requires each municipality within the State of New Jersey to adopt an ordinance or ordinances governing separation and collection of certain recyclable materials.

The Cumberland County District Solid Waste Management Recycling Plan ("County Plan"), as adopted by the Cumberland County Board of Chosen Freeholders ("County") and approved by the New Jersey Department of Environmental Protection, Office of Recycling ("DEP/OR") pursuant to SWMA and the Act, also requires each municipality within the County to adopt an ordinance governing separation and collection of recyclable materials designated by the County Plan or the Cumberland County Improvement Authority ("CCIA").

19-1.2 Purpose. The Township Committee finds that the reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of the ACT and the County Plan. The separation and collection of paper, cardboard, glass, cans, PET-plastic bottles, food waste, white goods and leaves for recycling from the residential, commercial and institutional establishments in this Township will minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery called for by the County Plan, conserve natural resources, and reduce the cost of solid waste disposal in general. The promotion and use of recyclable materials, goods produced from recyclable materials, and good which facilitate recycling, including without limitation Kraft paper grocery bags and reusable trash receptacles, will further serve the same purposes by encouraging and facilitating recycling.

19-1.3 Statutory Authority. This adoption is pursuant to Sections 6, 9, and 14 of the "New Jersey Statewide Mandatory Source Separation and Recycling Act", N.J.S.A. 13:1E-99.11 et seq., (P.L. 1987, c. 102, adopted April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1 and their amendments and supplements.

19-1.4 Definitions.

As used in this section:

Act shall mean the New Jersey Statewide Mandatory Source Separation and Recycling Act, as amended.

Apartment complex shall mean ten (10) apartments or more located on a single property or contiguous properties under common ownership or management. For this purpose, "apartment" shall mean an enclosed space that consists of one (1) or more rooms occupying all or part of a floor or floors in a building of one (1) or more floors or stories but not the entire building, and that is designed for use as a residence.

Cans shall mean food and beverage containers comprised of aluminum, tin, steel or a combination thereof, which formerly contained only non-aerosol edible substances or such other substances as have been approved for recycling by CCIA.

Cardboard shall mean all corrugated or other cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, or wax-coated or soiled cardboard.

CCIA shall mean the Cumberland County Improvement Authority, its successors and assigns.

Commingled: means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

Condominium complex shall mean ten (10) condominium units or more located on a single property or contiguous properties under common ownership or management. For this purpose, "condominium" as in N.J.S.A. 46:8B-1 et seq., shall mean a deed providing for ownership by one (1) or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

County shall mean the County of Cumberland, State of New Jersey.

County Plan shall mean the District Solid Waste Management Plan for Cumberland County as approved by the New Jersey Department of Environmental Protection.

Designated recyclable materials: means those materials designated within the Cumberland County Improvement Authority to be source separated for the purpose of recycling. These materials include: (list and define, as necessary, those designated recyclable materials from the county recycling plan for the residential, commercial and institutional sectors);

Disposition or disposition of designated recyclable materials shall mean the transportation, placement, or arrangement of designated recyclable materials for all possible end uses except disposal as solid waste.

Electronic waste: (to be included in those instances where a recycling program has been, or will be, established for these materials. Additionally, the following definition may be changed to reflect individual municipal program requirements) shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones;

Food waste shall mean any waste generated by food service and/or food sales establishments that would normally be landfilled and can be used as animal feed or composted in some manner.

Glass shall mean all clear (flint), green, and brown (amber) colored glass food and beverage containers. Glass shall not include crystal, ceramics, light bulbs, and plate, window, laminated, wired or mirrored glass.

Multifamily dwelling: means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. (C.55: 13A-1 et seq.);

Municipal Recycling Coordinator: means the person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.

Municipal solid waste (MSW) stream means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Maurice River Township.

Person shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this section prescribing a fine, penalty, or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

PET-plastic bottles shall mean all clear soft drink beverage containers manufactured of PET-plastic.

Recyclable material: means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

Recycling shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

Solid waste shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable

wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare, and feed such wastes to swine on their own farms.

Source-separated recyclable materials: means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

Source separation: means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

White goods shall mean all large appliances included but not limited to refrigerators, clothes washers and dryers, ranges, dishwashers and water heaters.

All other terms and phrases shall be as defined in the Act, regulations promulgated thereunder, and the County Plan, unless content clearly requires a different meaning.

19.1.5 Collection of Recyclable Materials

The collection of recyclable material shall be in the manner prescribed as follows:

A. All containers containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 PM of the day immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curb by no later than 7:00 PM of the day of collection.

B. All containers for recyclable materials shall be kept clean and in a safe manner.

19-1.6. Source Separation; Exemption from Source Separation Requirements.

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional

locations within the Township of Maurice River Township to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as established by the Township.

B. Exemptions. Pursuant to *N.J.S.A. 13:1E-99.16(d)*, the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

19-1.7. Residential Dwelling Compliance Requirements.

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable.

The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

19-1.8. Non-Residential Establishment Compliance Requirements

A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.

B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the Township provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for . separate recycling service for their contents.

C. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

19-1.9. New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c.)

A. Any application to the planning board of the Township of Maurice River Township for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial

development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

- 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and
- 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.

B. Prior to the issuance of a Certificate of Occupancy by the Township of Maurice River Township, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the Township does not otherwise provide this service.

C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

19-1.20. Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such un-separated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the Township, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

19-1.21. Enforcement

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Cumberland County Improvement Authority and the County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

19-1.22. Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine of not less than \$250 but not to exceed \$2,000, and a period of community service of not less than 15 days but not to exceed 90 days. Each day for which a violation of this Ordinance occurs may be considered a separate offence.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the recycling program.

SEVERABILITY

If any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or impact upon any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey that this Ordinance

shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.

Introduction 11/09/2009

Final Adoption 12/17/2009