

ORDINANCE NO. 2016 – 06

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING CHAPTER 374 AND AMENDING IN ITS ENTIRETY CHAPTER 293 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, WHICH SHALL BE ENTITLED “SOLID WASTE AND RECYCLING COLLECTION”

WHEREAS, the Township Code contains Chapter 293 entitled “Solid Waste” and Chapter 374 entitled “Solid Waste Collection” and the chapters contain duplicative and conflicting information and regulations; and

WHEREAS, the Township Committee seeks to eliminate this confusion and repeal both Chapter 293 and 374 in their entirety and adopt a new Chapter 293 incorporating the provisions of both and pertaining to Solid Waste and Recycling.

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to repeal Chapter 374 entitled “Solid Waste Collection” in its entirety.

SECTION 2. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to repeal Chapter 293 entitled “Solid Waste” in its entirety and replace with a new Chapter 293 which shall be entitled “Solid Waste and Recycling Collection” and which shall read as follows:

Article I. Solid Waste.

§ 293-1 Compliance required.

It shall be unlawful for the occupant of any dwelling house, store or other building to place or cause or suffer to be placed upon any street, sidewalk, gutter, areaway or public place any garbage, rubbish, ash and recyclable materials except in compliance with the provisions of this article and Article II, Recycling, of this chapter, as applicable.

§ 293-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ASH

The residue from the burning of coal or other fuel and shall include accumulations of dirt or floor sweepings made up mostly of noncombustible materials.

GARBAGE

The refuse of animal or vegetative matter; noncombustible debris composed of natural or man-made materials; unwanted trash.

RECYCLABLE MATERIAL(S)

Those materials which would otherwise become municipal solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. This term is intended to have the same meaning as utilized within Article II, Recycling, of this Chapter 293 of the Township Code.

RUBBISH

Combustible debris, such as paper, cardboard, rags, mattresses, discarded wearing apparel, furniture, carpets, rubber and refuse.

§ 293-3 Rules and Regulations

The following regulations shall govern the collection and removal of garbage, rubbish, ash and recyclable materials:

- A. The occupant of any dwelling, house, or other residential building shall place the materials described in this article for collection in an appropriate place on the curb in front of such dwelling house, store or other building, after separation in appropriate separate containers. The owner of the said dwelling house or other residential building shall be jointly and concurrently responsible for the compliance with the terms of this article by all occupants of the same.
- B. All garbage and rubbish containing food waste shall be kept in containers or bags which do not leak and do not absorb liquids. If bags are utilized, they must be enclosed within the Township provided solid waste container
- C. Each container shall be placed for collection at the curblin in a place which is easily accessible and at least 3 feet from any obstacle adjacent to the road if no curb exists.
- D. Additional Solid waste containers procured by the property owner must be compatible with the Township's automated trash collection system.
- E. There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises. Residents are permitted to purchase additional containers if necessary.
- F. Tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four feet and not wider than four inches in circumference before being deposited just inside the curblin for collection.

- G. Leaves shall be loosely piled on the curbside for collection. NO bags or bundling is permitted. No leaves may be burned in any street or highway. Leaves may also be brought to the Township Department of Public Works for disposal.
- H. All grass, weeds and similar growths shall be placed in a container so they may be readily emptied into the municipal collection vehicle. No bag shall be utilized for the disposal of the refuse referred to in this subsection.
- I. If any container of garbage or refuse is upset or overturned, other than by Township employees engaged in garbage and refuse collection, the property owner, tenant or other person placing garbage for municipal collection shall promptly clean up such spilled garbage and restore it to the garbage can.
- J. If any container of garbage or refuse is upset or overturned by a Township employee, they shall immediately collect such garbage and dispose of same in the municipal garbage truck.
- K. No person shall place any of the items referred to in this section in any street or highway, either for municipal collection or other disposal.
- L. The use of fifty-five-gallon drums or drums of greater size as containers is strictly prohibited.
- M. Any containers deemed unacceptable due to the contents thereof shall be affixed with a red tag. In the event that a container is affixed with a red tag, it shall be a violation of this chapter to attempt to dispose of the contents through the Township's solid waste collection program.
- N. Garbage or other refuse shall be placed for municipal collection at the curb or street line no sooner than 6:00 p.m. of the day prior to the designated day for collection and no later than 6:00 a.m. on the designated day for collection. Township employees will not be responsible for picking up any garbage or refuse which is placed for municipal collection in violation of these time restrictions. All garbage containers must be removed from the curb by the property owner, tenant, or other person placing garbage for municipal collection, the same day that garbage or other refuse is collected, unless suitable rack is provided for receptacle storage.
- O. Collection of bulk items shall only occur on days designated by the Township "Bulk items" shall be defined as any large items that are not easily combustible or disposable such as refrigerators, car parts, boat motors, water heaters, metal cabinets, and other similar items.
- P. Township employees shall not be responsible for discarding building materials and debris from any site within the Township. This is the responsibility of the owner and/or builder, and no such discarded building materials or debris shall be placed for municipal collection. Building materials and debris must be brought to a County landfill or other suitable disposal site. Building materials may not be brought to the Township Department of Public Works.
- Q. It shall be unlawful for any person to dump garbage, rubbish, ash or recyclable materials upon any public property of the Township or to trespass upon the property of another and deposit said materials thereon.
- R. No person shall break into any container of garbage, rubbish, ash or recyclable materials that may be found upon the streets or sidewalks of the Township, nor shall any owner or occupant permit the same to occur with regard to such garbage, rubbish, ash or recyclable

materials placed at or near the curb for collection.

- S. No garbage, rubbish, ash or recyclable materials shall be collected by the Township from any manufacturing, commercial office or other business establishment.

§ 293-4 Presumption created by curb placement

When any of the items named in or referred to in this chapter are placed at or just inside the curblane, it shall be assumed same are so placed for municipal garbage and refuse collection and disposal.

§ 293-5 Noncollection of garbage and refuse

No municipal employee shall be obligated to collect any garbage or refuse unless and until said garbage or refuse is prepared for collection and disposal as referred to and directed in this Chapter.

§ 293-6 Enforcement

The Code Enforcement Official, the Property Maintenance Official, or their designees, and the Ocean County Department of Health are hereby individually and severally empowered to enforce the provisions of this article. An inspection may consist of sorting through containers and opening of solid waste bags.

§ 293-7 Fees for automated trash and recycling containers

The following fees and charges are hereby established for automated trash containers:

- A. Thirty-five-gallon container: \$45 each.
- B. Sixty-five-gallon container: \$50 each.
- C. Ninety-five-gallon container: \$55 each.
- D. Ninety-six gallon container - \$55 each

§ 293-8 Days of collection

The Superintendent of Public Works shall determine the days of the week when collections shall be made, and public notice shall be given to the Township residents.

§ 293-9 Violations and penalties

Any person, corporation, occupant, or entity who or which violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$200, nor more than \$2,000, and/or a term of community service of not more than 90 days, and/or by a term of imprisonment not to exceed 90 days in the Ocean County Jail or any combination of fine, community service and imprisonment, as determined in the discretion of the Municipal Court Judge. Each day for which a violation of this article occurs shall be considered a separate offense.

Article II. Recycling

§ 293-10 Definitions

As used in this article, the following terms shall have the meanings indicated:

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the Ocean County District Solid Waste Management Plan to be source separated for the purpose of recycling are: commingled (bottles, glass and cans), newspaper, mixed paper (magazines, catalogues, junk mail, used writing paper), leaves, white goods, newspaper, cardboard, high-grade office paper, tree parts, leaves, ferrous and nonferrous scrap metal.

DUAL STREAM

- A. Commingled: all plastic bottles, aluminum and steel cans, glass bottles and containers.
- B. Paper: magazines, catalogues, junk mail, used writing paper, newsprint, corrugated cardboard, office and school paper; no chipboard or pizza boxes.

ELECTRONIC WASTE

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 four inches measured diagonally and that contains one or more circuit boards, including a television and cell phones.

MULTIFAMILY DWELLING

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 N.J.S.A. 13:1E-99.13(a)] 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. 76 (N.J.S.A. 55:13-A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the Township Committee and who shall be authorized to, among other things, enforce the provisions of this article, and any rules and regulations which may be promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated as residential, commercial, and institutional establishments within the boundaries of the Township of Little Egg Harbor.

RECYCLABLE MATERIAL

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.

SINGLE STREAM

The combination of commingled and paper listed above in one container; does not include plastic bags, food waste, paper towels, paper napkins, pizza boxes, egg cartons, aluminum foil, plastic cups and utensils; no plastic other than bottles; no juice boxes or bags; no garbage.

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION

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.

§ 293-11 Mandatory source separation

It shall be mandatory for all persons who are owners, tenants or occupants of residential and nonresidential premises, which shall include but not be limited to retail or other commercial locations, as well as government, schools and other institutional locations within the Township of Little Egg Harbor, 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 clean and safe manner to coincide with the designated recycling schedule.

§ 293-12 Residential dwelling compliance requirements

The owner of any property shall be responsible for compliance with this article. 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 six months during their occupancy. All uses, except for single- and two-family dwellings, shall comply with the requirements of § 15-11.18, Solid waste management.

§ 293-13 Nonresidential establishment compliance requirements

- A. All commercial or institutional generators of solid waste shall be required to comply with the provisions of this article.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or its designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor 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 Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at its 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 N.J.A.C. 8:24-1.5, 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.
- E. All nonresidential uses shall comply with the requirements of § 15-11.18, Solid waste

management.

§ 293-14 New developments of multifamily residential units or commercial, institutional or industrial properties [pursuant to N.J.S.A. 13:1E-99.13(a) and 13:1E-99.16(c)].

- A. Any application to the Planning Board of the Township of Little Egg Harbor for subdivision or site plan approval for the construction of multifamily 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 amount 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 Little Egg Harbor, the owner of any new multifamily 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 municipality 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.
- D. All uses, except for single- and two-family dwellings, shall comply with the requirements of § 15-11.18, Solid waste management.

§ 293-15 Prohibition of 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 unseparated solid waste and recyclables to accumulate will be considered a violation of this article.
- C. Once placed in the location identified by this article, or any rules or regulations promulgated pursuant to this article, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§ 293-16 Enforcement

The Code Enforcement Official, the Property Maintenance Official, or their designees, and the Ocean County Department of Health are hereby individually and severally empowered to enforce the provisions of this article. 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.

§ 293-17 Violations and penalties, Municipal Recycling Trust Fund

- A. Any person, corporation, occupant, or entity who or which violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$2,000. Each day for which a violation of this article occurs shall be considered a separate offense.
- B. Fines levied and collected pursuant to the provisions of this article shall be immediately deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

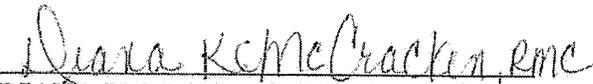
SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be 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 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 11th day of August, 2016, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 8th day of September, 2016, at 7:30 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DIANA K. MCCrackEN, RMC, Clerk
Township of Little Egg Harbor

Introduction

Motion to Introduce: *Gormley* Second: *Schlick* Roll Call:

Gormley	<u>yes</u>
Kehm	<u>yes</u>
Kobryn	<u>yes</u>
Schlick	<u>yes</u>
Stevens	<u>yes.</u>

Second Reading & Adoption

Motion to Adopt: *Gormley* Second: *Kehm* Roll Call:

Gormley	<u>yes</u>
Kehm	<u>yes</u>
Kobryn	<u>yes</u>
Schlick	<u>yes</u>
Stevens	<u>yes</u>