

WEST AMWELL TOWNSHIP

Ordinance 6, 2010

AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, RECYCLING, OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY

The Township Committee of the Township of West Amwell, in the County of Hunterdon, in the State of New Jersey, does ordain:

Article II, Chapter 99, Recycling shall be deleted and replaced and amended in its entirety so as to read:

Definitions

Municipal Recycling Coordinator

Source Separation

Residential Dwelling Compliance Requirements

Recycling Dwelling Complexes Compliance Requirement

Non-residential Establishment Compliance Requirements

New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties

Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials

Solid Waste Transporter Requirements

Proof of Provision of Solid Waste and Recycling Collection Services

Enforcement

Severability

Effective Date

**Definitions**

County – means the implementing agency for the Hunterdon County Solid Waste Management Plan, the Hunterdon County Utilities Authority.

Designated recyclable materials – means those materials designated within the Hunterdon County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

DESIGNATED RECYCLABLE MATERIALS FOR THE GENERATORS OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL and INSTITUTIONAL WASTE:

- 01 Corrugated - Containers and similar paper items usually used to transport supplies, equipment parts or other merchandise.

- 02 Mixed Office and Computer Paper - Any and all types of "office-type" paper including, but not limited to: computer paper, hi-grade white paper, typing paper, copier paper, onion-skin, tissue paper, notepad, envelopes, manila folders and colored paper, or any mix thereof.
- 03 Newspaper - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Forest and Paper Association grades #6, #7 and #8 news).
- 04 Other Paper/Magazines/Junk Mail - All paper, which is not defined as corrugated, mixed office paper, computer paper or newspaper.
- 05 Glass Containers - All glass containers used for packaging food or beverages.
- 06 Aluminum Cans - Food and beverage containers made entirely of aluminum.
- 07 Steel Cans - Rigid containers made exclusively or primarily of steel or tin-plated steel and steel and aluminum cans used to store food, beverages, and a variety of other household and consumer products.
- 08 Plastic Containers - Containers including polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene and (HDPE - 1-7) milk, water or detergent.

**ADDITIONAL DESIGNATED RECYCLABLE MATERIALS FOR THE GENERATORS OF COMMERCIAL, INDUSTRIAL and INSTITUTIONAL WASTE:**

- 11 White Goods and Light Iron - All appliances such as washers, dryers, refrigerators, etc. as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums and other non-structural ferrous scrap.
- 12 Anti-freeze - All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
- 13 Batteries, Lead-Acid - Batteries from automobiles, trucks, other vehicles and machinery and equipment. THIS DOES NOT INCLUDE CONSUMER BATTERIES.
- 16 Used Motor Oil - petroleum-based or synthetic oil which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.
- 15 Tires - Rubber-based scrap automotive, truck or specialty (e.g. forklift) tires. The tires must be recycled at a facility approved by the New Jersey Department of Environmental Protection.

**DESIGNATED RECYCLABLE MATERIALS FROM GENERATORS OF RESIDENTIAL WASTE THAT ARE COLLECTED BY HUNTERDON COUNTY:**

- 12 Anti-freeze - All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
- 13 Batteries, Lead-Acid - Batteries from automobiles, trucks, other vehicles and machinery and equipment. THIS DOES NOT INCLUDE CONSUMER BATTERIES. (See #21).
- 16 Used Motor Oil - petroleum-based or synthetic oil which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.
- 21 Batteries, Household - Any type of button, coin, cylindrical rectangular or other shaped enclosed device or sealed container which was utilized as an energy source for commercial, industrial, medical, institutional or household use. THIS DOES NOT INCLUDE LEAD ACID BATTERIES FROM VEHICLES.
- 24 Mercury Containing Devices – Fluorescent and compact florescent tubes (CFT's), High Intensity Discharge (HID) and neon lamps, electrical switches, thermostats and any batteries containing mercury.
- 27 Petroleum Contaminated Soil - Non-hazardous soils containing petroleum hydrocarbons resulting from spills, leaks or leaking underground storage tanks used for gasoline or any other commercial fuel and which are recycled in accordance with the requirements of N.J.A.C. 7:26A-1.1 et seq. NOTE: This material can be recycled at "Class B" facilities (for example, authorized asphalt manufacturers).

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 municipality of West Amwell Township;

Non-Residential Establishment -

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;

Residential Dwelling - means any building or structure, or complex of buildings in which less than three dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.).

Residential Dwelling Complex - 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. 76 (C.55: 13A-1 et seq.);

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.

### **Municipal Recycling Coordinator**

- A. In order to carry out the requirements of the New Jersey Mandatory Source Separation and Recycling Act (“Act”) and the Hunterdon County Recycling Plan (“Plan”), the position of Municipal Recycling Coordinator is hereby established, who shall be responsible for compliance with said Act, Plan and applicable Borough/City/Town/Township regulations.
- B. The Municipal Recycling Coordinator will be annually appointed by the Borough/City/Town/Township Committee and will serve a term of one (1) year.
- C. The Recycling Coordinator will report to the Governing Body and/or the Borough/City/Town/Township Administrator at least once annually on the status of the Municipal Recycling Program, and shall from time to time advise and make recommendations as to how the requirements set forth in this ordinance may be effectuated.
- D. The Municipal Recycling Coordinator will attend Municipal Recycling Coordinator meetings that the Governing Body deems to be important. This includes meetings that may be conducted by the State, the County or other appropriate organizations.
- E. The Municipal Recycling Coordinator shall promote the Municipal Recycling Program by educating citizens, businesses, institutions, and organizations of the need to participate in the Municipal Recycling Program and shall explain to citizens, businesses, institutions and organizations the provisions of the mandatory recycling ordinance and assist in the enforcement thereof.

### **Municipal Recycling Committee**

There is hereby established a Recycling Committee in the Municipality consisting of seven members. Those members shall be the Recycling Coordinator, one member of the municipal governing body, the municipal appointee to the County Solid Waste Advisory Committee, one member of the Environmental Commission, the Municipal Road Foreman or Road Supervisor, and two members at large who shall be residents of the Township and appointed by the Township Committee.

The Recycling Committee is hereby authorized and directed to establish and promulgate reasonable regulations as to the selection and designation of recyclable materials to be source-separated in accordance with this article and to establish the manner, methods and programs for the collection and disposition of designated recyclable materials in accordance with the provisions hereof. Such regulations as may be promulgated under this article may be changed, modified, amended or repealed by the Township Committee by majority vote.

The members of the Recycling Committee shall be appointed for one year. Any member appointed during a given calendar year shall serve until the end of that year.

## **Source Separation**

- A. 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 municipality of West Amwell 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 or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township of West Amwell.
- B. Unless otherwise the municipality provides for the collection of designated recyclable materials, every owner and/or occupant of residential or nonresidential premises must contract for the removal and disposition of recyclable materials as set forth in this ordinance a private contractor. Residential recycling contracts must comply with the provisions of this Section and must further provide for not less than monthly pick-up.
- C. In the event that a municipal, County or State facility, accepts mandatory recyclable material as set forth in this ordinance, then the residential and/or nonresidential owner or occupant may utilize such facility, to the extent permitted by the owner or operator of such facility.

## **Residential Dwelling Compliance Requirement**

- A. The occupant(s) and owner(s) of any residential property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining a 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 occupant. In instances where the violator is not easily identifiable, violations and penalty notices will be directed to the owner/ management. The owner/management shall issue notification and collection rules to occupants when they arrive and at least twice annually during their occupancy.
- B. Failure of occupant(s) and/or owner(s) of any residential property to abide by the rules and regulations of this section may be fined not less than fifty (\$50.00) dollars nor more than two hundred fifty (\$250.00) dollars for each month of noncompliance. Prior to taking enforcement action pursuant to this section, the Recycling Coordinator or other enforcement officer shall issue one (1) warning to any occupant which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

## **Residential Dwelling Complexes Compliance Requirement**

- A. The occupant(s) and owner(s) of any residential property shall be responsible for compliance with this Ordinance. Unless the municipality provides for the collection of designated recyclable materials, the owner of each residential complex is responsible for providing a recycling depot for the entire complex. The depot shall be equipped with owner or contractor supplied receptacles for each category of designated recyclable

material.

- B. Failure of an occupant within a residential complex to comply with the requirements of this Ordinance may be fined not less than fifty (\$50.00) dollars nor more than two hundred fifty (\$250.00) dollars for each month of noncompliance.
- C. The owner/management shall issue notification and collection rules to new tenants when they arrive and at least twice annually during their occupancy.
- D. Unless the municipality provides for the collection of designated recyclable materials, the owner of each residential complex shall report to the Municipal Recycling Coordinator by February 15<sup>th</sup> of each year, the recycling activity of the prior year. The report shall include the amount of recycled material by material type and the vendor or vendors providing recycling service. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.
- E. Failure of an owner (or his/her agent) to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one (1) warning to the owner which is in violation of this section. The warning shall include educational information regarding proper procedures for recycling including instruction as to how the owner can reasonably provide adequate recycling facilities to ensure compliance with this Ordinance.

#### **Non-Residential Establishment Compliance Requirements**

- A. Commercial, industrial and institutional establishments are defined as all entities which operate or conduct any business whatsoever which cannot be included within the definitions of a residential dwelling or complex.
- B. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
- C. Unless the property owner or municipality provides for the collection of designated recyclable materials arrangement for collection of designated recyclables shall be the responsibility of the commercial, institutional or industrial occupant. All commercial, institutional or industrial property owners 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.
- D. Unless the property owner or municipality provides for the collection of designated recyclable materials, every occupant of a commercial, industrial or institutional facility or their designee (including solid waste and recycling transporters) shall cooperate in communicating recycling activity. Such communication shall include reporting to the Municipal Recycling Coordinator by February 15<sup>th</sup> of each year, the occupants recycling activity of the prior year. The report shall include the amount of recycled material by material type and the vendor or vendors providing recycling service. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of

the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

- E. If the property owner provides recycling collection services for the occupants of the property, the owner or their designee (including solid waste and recycling transporters) shall cooperate in communicating recycling activity. Such communication shall include reporting to the Municipal Recycling Coordinator by February 15<sup>th</sup> of each year, the recycling activity on the property in the prior year. The report shall include the amount of recycled material by material type and the vendor or vendors providing recycling service. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.
- F. 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.
- G. Failure of a commercial, industrial or institutional occupant or owner to abide by the rules and regulations of this section may be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000.00) dollars for each month of noncompliance. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one (1) warning to any commercial, industrial or institutional establishment which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

**New Developments of Multi-Family Residential Units and Commercial, Institutional, or Industrial Properties**

- A. Any application to the Planning Board of the municipality of West Amwell 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 municipality of West Amwell 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 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.

### **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 unseparated 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 for collection, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle solid waste or designated recyclable materials.
- D. Failure of a solid waste collector to abide by the rules and regulations of this section may be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000.00) dollars. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one (1) warning to any commercial, industrial or institutional establishment which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

### **Solid Waste Transporter Requirements**

- A. A minimum of once a year or when necessary to reflect program or regulatory modifications, notify all customers –
  - 1) What materials are designated to be source separated from solid waste and must be recycled in Hunterdon County and that these items are prohibited in solid waste.
  - 2) That discovery of designated recyclable items in solid waste may result in the waste not being collected and that the generator is subject to a monetary fine.
  - 3) Solid waste transporters are prohibited by law to collect solid waste containing mandated recyclable materials.
  - 4) That documentation of proof of solid waste and recycling collection service must be maintained and that this documentation must be made available to the property owner, municipality or County upon request.
- B. No later than February 15 of each year, all solid waste companies will provide a detailed report of all recycling activities to all commercial and institutional solid waste customers.

The report will include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials collected. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

- C. No later than February 15 of each year, all solid waste transporters will provide each municipality and the County with a summarization of recycling activity in that municipality including totals of all residential, commercial and institutional recycling. The report will include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials collected. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.
- D. Failure of the solid waste transporter to comply with the provisions of this Amendment to the Solid Waste Management Plan and pertinent municipal recycling ordinance shall constitute a violation and subject the solid waste transporters to those penalties as prescribed in the pertinent municipal recycling ordinance and State recycling regulations.

### **Proof of Provision of Solid Waste and Recycling Collection Services**

Unless the solid waste and recycling collection services have otherwise provided for by the municipality, pursuant to N.J.S.A. 40:66-5.1 all residential, commercial, industrial and institutional generators of solid waste must, upon request by the municipality supply proof that solid waste and recycling collection services have been contracted by the generator. The information requested for proof of service may include provision of weight receipts or billing statements. The procedure by which the municipality may request receipts or other documentation must be detailed in a process approved by the governing body of the municipality.

### **Enforcement**

The Municipal Recycling Coordinator or other person(s) so designated by the governing body 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.

Each day for which a violation of this Ordinance occurs shall 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 solely for the expenses of the municipal recycling program.

### **Severability**

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

**Effective Date**

This ordinance shall take effect immediately upon final passage and publication according to law.

APPROVED BY TOWNSHIP COMMITTEE

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Thomas J. Molnar, Mayor

ATTEST:

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Lora L. Olsen, RMC  
Township Clerk

## NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on May 5, 2010. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on June 2, 2010 at 7:00 p.m. All interested parties will be heard at this time.