

ORDINANCE #14 2011

Egg Harbor City Municipal Source Separation and Recycling Ordinance

The Council of the City of Egg Harbor, in the County of Atlantic, in the State of New Jersey, does ordain:

Section 230, Chapter 43, Recycling and Solid Waste shall be deleted and replaced and amended in its entirety so as to read:

Chapter

Definitions

Source Separation, Exemptions

Collection of Recyclable Materials

Residential Dwelling Compliance Requirements

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 Enforcement

Violations and Penalties

Definitions

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

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

ALUMINUM CANS — Empty, all-aluminum beverage and food containers.

CORRUGATED CARDBOARD - Includes cardboard of the type used to make cardboard boxes, cartons, pasteboard and similar corrugated and kraft paper materials

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain and ceramic products.

NEWSPAPERS — Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled. Newspapers shall be deemed soiled if they have been exposed to substances or conditions rendering them unusable for recycling.

WHITE GOODS — Household appliances.

ELECTRONIC WASTE- 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;

METAL FOOD & BEVERAGE CONTAINERS - aluminum, bi-metal and steel food and beverage containers including empty paint cans and aerosol cans.

PAPER PRODUCTS - including newspaper, magazines, office paper, junk mail, telephone books, paperback books, chipboard boxes, corrugated cardboard and paper bags.

PLASTIC BOTTLES & JUGS - imprinted with recycling symbols #1-7, including food, beverage, health/beauty, and cleaning products, bottles 2.5 gallons or less in size.

LEAVES, GRASS CLIPPINGS, BRUSH, TREE BRANCHES - collection of these materials may be provided municipality or through a contract between the municipality and public or private sector provider, or the material may be delivered to an approved yard waste composting facility operated by the municipality or county or by an approved agricultural yard waste composting facility.

ASPHALT & CONCRETE - to be delivered to an approved NJDEP Class B Recycling Center.
Propane Tanks (empty 20 lb. size or less) - may be delivered to ACUA or private sector recycling or re-use facility.

USED MOTOR OIL, KEROSENE, AND #2 HOME HEATING: may be delivered to ACUA's household hazardous waste events or private sector recycling or re-use facility.

ANTI-FREEZE: may be delivered to ACUA's household hazardous waste events or private sector recycling or re-use facility.

LEAD ACID BATTERIES INCLUDING MOTOR VEHICLE, AVIATION, MARINE, AND SEALED LEAD ACID BATTERIES: may be delivered to ACUA's household hazardous waste events or private sector recycling or re-use facility.

CONSUMER RECHARGEABLE BATTERIES: may be delivered to ACUA's household hazardous waste events or private sector recycling or re-use facility.

Institutional Establishments — Those facilities that house or serve groups of people, including but not limited to hospitals, schools, nursing homes, libraries and governmental offices.

Commercial Establishments — Those properties used primarily for commercial purposes and those residential buildings containing three or more dwelling units.

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. 76 (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 municipality of Egg Harbor City.

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;

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;

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 municipality of Egg Harbor City, 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 may be hereinafter established by regulations promulgated by the City of Egg Harbor.
- 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.
1. The Mayor and Common Council of the City of Egg Harbor City may, by resolution, exempt persons occupying commercial and institutional establishments from the source separation requirements of this article if those persons have otherwise provided for the recycling of recyclable materials designated in this article.
 2. To be eligible for an exemption under this section, the person seeking the same shall, during the month of May in each year, provide written documentation to the municipality of the total amount of materials recycled during the preceding calendar year.

Collection of Recyclable Materials

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

Separation of recyclables; placement for disposal.

- A. The recyclable materials designated in this article, shall be put in a suitable container separate from

other solid waste and placed at the curb or such other designated area for collection at such times and dates as may be hereinafter established in the municipal recycling regulations.

B. The container for recyclable materials shall be clearly so labeled and so placed for each collection.

C. Leaves -Persons shall separate both leaves and grass from other solid waste generated at their premises and, unless the leaves or the grass are stored or recycled for composting or mulching on the premises, place both the leaves and the grass at the curb or other designated area for collection in their separate containers, neither of which with its contents shall exceed 40 pounds in weight, and at such times and dates and in the manner established in the municipal recycling regulations.

D. All containers and brown paper bags 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 curbside by no later than 7:00 PM of the day of collection.

E. All receptacles or dumpsters shall be maintained in accordance shall be kept clean and in a safe manner.

Alternative collection of recyclables.

A. Any persons may donate or sell recyclable materials to an individual or organization expressly authorized by the municipality in its recycling regulations.

B. Such materials may be delivered to the individual or organization or placed at the curb to be collected by the individual or organization on days not designated as the recyclable material collection days in the municipal recycling regulations.

C. Such individual or organization shall not collect recyclable materials on or within the 24 hours immediately preceding a regularly scheduled curbside collection day.

D. During the month of May in each year, such an individual or organization shall provide written documentation to the municipality of the total amount of material so received, collected or recycled during the preceding calendar year.

Collection by unauthorized persons.

A. It shall be a violation of this article for any unauthorized individual or organization to collect or pick up or to cause to be collected or picked up within the boundaries of the municipality any of the recyclable materials designated in § 230-5 of this article.

B. Each such collection in violation of this article shall constitute a separate and distinct offense punishable as hereinafter provided.

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.

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 municipality 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.

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 municipality of Egg Harbor City 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 Egg Harbor City 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 identified by this Ordinance, or any rules or

regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

Enforcement

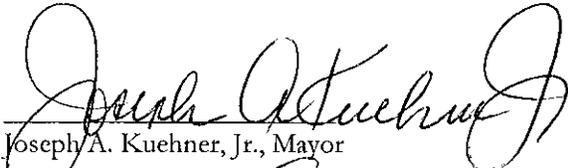
The Chairperson of the Highway Committee of the Common Council is hereby authorized and directed to establish and promulgate reasonable regulations detailing the manner, days, and times for the collection of the recyclable materials designated in this article and such other matters as are required to implement this article. The Code Enforcement Official, the Public Works Supervisor, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Chief of Police, the Housing Officer, and the Atlantic 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.

Violations and penalties.

- A. Any person, firm or corporation violating the provisions of the section of **Alternative collection of recyclables** in this article shall be subject to a fine of not less than \$100 nor more than \$500 for each offense.
- B. Any person, firm or corporation violating any provisions of this article other than **Alternative collection of recyclables** in, or any regulations adopted hereunder, shall be subject to a fine of not less than \$25 nor more than \$500 for each offense.
- C. No action shall be taken to enforce the provisions of this article until three months after the effective date of the promulgation of the regulations authorized hereunder.
- D. Each and every day in which a violation of any of the provisions of this article exists shall constitute a separate offense.

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.

Introduced: August 11, 2011
Advertised: August 17, 2011
Public Hearing : August 25, 2011
Adopted:



Joseph A. Kuehner, Jr., Mayor



Meg Steeb, City Clerk