

RECYCLING

Chapter 48A

RECYCLING

ARTICLE I

Mandatory Source Separation

- § 48A-1. Definitions.
- § 48A-2. Source separation, exemptions from source separation requirements.
- § 48A-3. Collection of recyclable materials.
- § 48A-4. Residential dwelling compliance requirements.
- § 48A-5. Nonresidential establishment compliance requirements.
- § 48A-6. New developments of multi-family residential units or commercial, institutional or industrial properties.
- § 48A-7. Prohibition of the collection of solid waste mixed with recyclable materials.
- § 48A-8. Enforcement.
- § 48A-9. Violations and penalties.
- § 48A-10. Severability; effective date.
- § 48A-11 through 12. Reserved.

ARTICLE II

Construction, Renovation, Demolition Debris

- § 48A-13. Definitions.

- § 48A-14. Construction, renovation, demolition debris recovery plan.
- § 48A-15. Review of debris recovery plan.
- § 48A-16. Diversion requirement adjustment.
- § 48A-17. Debris recovery plan reporting requirements.
- § 48A-18. Compliance with diversion requirement.
- § 48A-19. Appeal.
- § 48A-20. Enforcement.
- § 48A-21. Violations.
- § 48A-22. Severability; effective date.

[HISTORY: Adopted by the Township Committee of the Township of Barnegat 3-20-95 as Ord. No. 1995-20. Amended 3-17-03 by Ord. No. 2003-02; 1-22-08 by Ord. No. 2008-01. Amended in its entirety 12-21-09 by Ord. No. 2009-35. Subsequent amendments noted where applicable.]

The Committee of the Township of Barnegat, in the County of Ocean, in the State of New Jersey, does hereby ordain:

§ 48A-1. Definitions.

DUAL STREAM—

COMMINGLED — all plastic bottles; aluminum and steel cans and glass jars.

PAPER — Magazines, catalogues, junk mail, used writing paper, newsprint, cardboard, office and school paper. No chipboard or pizza boxes.

DESIGNATED RECYCLABLE MATERIALS — Those materials designated within the Ocean County District

Solid Waste Management Plan to be source separated for the purpose of recycling.

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) — 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 (4) inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

MULTI-FAMILY DWELLING — Any building or structure, or complex of buildings in which three (3) 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-99.13a) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection O) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c.76 (C55: 13-A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR — 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 — All solid waste generated as residential within the boundaries of the municipality of the Township of Barnegat.

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.

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.

§ 48A-2. 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 nonresidential 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 the Township of Barnegat 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 Township of Barnegat.

§ 48A-3. Collection of recyclable materials.

The collection of recyclable materials 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 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

- B. All receptacles or dumpsters shall be kept clean and in a safe manner.

§ 48A-4. Residential dwelling compliance requirements.

The owner of any property shall be responsible for compliance with this ordinance. For multi-family 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 (6) months during their occupancy.

§ 48A-5. Nonresidential 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. 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 or Board of Health officer.

§ 48A-6. 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 the Township of Barnegat for subdivision or site plan approval for the construction of multi-family dwellings of three (3) or more units, single-family developments of fifty (50) or more units or any commercial, institutional, or industrial development for the utilization of one thousand (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 municipality of the Township of Barnegat 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.

§ 48A-7. 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.

§ 48A-8. Enforcement.

The Code Enforcement Official, the Property Maintenance Official, the Housing Officer and the Ocean 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.

§ 48A-9. 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 not less than two hundred fifty dollars (\$250.), nor more than one thousand dollars (\$1000.). Each day for which a violation of this ordinance occurs shall be considered a separate offense.

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 municipal recycling program.

§ 48A-10. Severability, effective date.

- A. 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. The ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

§ 48A-11 through § 48A-12. Reserved.**ARTICLE II****Construction, Renovation, Demolition Debris****§ 48A-13. Definitions**

COVERED PROJECT — A construction, renovation, or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

§ 48A-14. Construction, renovation and demolition debris recovery plan.

A debris recovery plan shall be filed with the Municipal Recycling Coordinator prior to the commencement of any activity for which municipal approval as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of fifty percent (50%) of the materials to be generated will be separated and recycled.

§ 48A-15. Review of debris recovery plan.

- A. Approval. A debris recovery plan shall be reviewed by the Municipal Recycling Coordinator, and approved if it provides for all of the information required by this ordinance. An approved debris recovery plan shall be marked "Approved" and returned to the owner of the entity which submitted the plan.
- B. Denial. A debris recovery plan shall not be approved if it does not provide all of the information required by this ordinance. If a debris recovery plan is not approved, the owner of the entity, which submitted the plan, shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity, which will carry out the construction, renovation, or demolition project, shall make the required changes and resubmit the debris recovery plan to the Municipal Recycling Coordinator.

§ 48A-16. Diversion requirement adjustment.

- A. Application: If the owner of an entity carrying out a covered project experiences circumstances that make it infeasible to comply with the diversion requirement cited in this ordinance, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is not feasible to divert fifty percent (50%) of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.
- B. Review. The Municipal Recycling Coordinator shall review the information supplied by the owner. If warranted the Municipal Recycling Coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.

- C. Granting of an adjustment. If the Municipal Recycling Coordinator determines that it is infeasible for the entity carrying out a covered project to divert fifty percent (50%) of the generated C&D debris from the covered project, the percent of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C&D debris required by the adjustment.
- D. Denial of adjustment. If the Municipal Recycling Coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this ordinance, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

§ 48A-17. Debris recover plan reporting requirements.

- A. Documentation. Upon completion of the covered project, but before the final inspection the owner of the entity carrying out a covered project shall submit in person or by certified mail to the Municipal Recycling Coordinator, the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:
- (1) A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed,
 - (2) Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project, and
 - (3) Any additional information that the owner of the entity carrying out the covered project believes is

relevant to determining compliance with the diversion requirement.

§ 48A-18. Compliance with diversion requirement.

The Municipal Recycling Coordinator shall review the information submitted pursuant to this ordinance and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

§ 48A-19. Appeal.

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this ordinance to the municipality within thirty (30) days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision by the Administrator shall be final.

§ 48A-20. Enforcement.

The Code Enforcement Official, the Police Department, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, and the Housing Officer are hereby individually and severally empowered to enforce the provisions of this ordinance. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of any recyclable material.

§ 48A-21. 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 not less than two hundred fifty dollars (\$250.), nor more than one thousand dollars (\$1000.).

§ 48A-22. Severability; effective date.

If 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.