

ORDINANCE NO. 1988-5

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING A PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIAL FROM RESIDENCES AND COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS IN THE TOWNSHIP OF OCEAN, TO PROHIBIT THE DISPOSAL OF RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM, TO EMPOWER THE RECYCLING COORDINATOR TO PROMULGATE REASONABLE REGULATIONS THEREFOR, AND TO FIX PENALTIES FOR THE VIOLATION THEROF

WHEREAS, the removal of recyclable materials from the municipal solid waste stream will decrease the flow of solid waste to sanitary landfill facilities, aid in the conservation and recovery of valuable resources, conserve energy in the manufacturing process and increase the supply of reusable raw materials for the State's Industries; and

WHEREAS, it is in the public interest to mandate the source separation of marketable waste materials generated in the Township of Ocean so that reusable materials may be returned to the economic mainstream in the form of raw materials or products rather than be disposed of at a sanitary landfill facility; and

WHEREAS, the legislature has adopted the New Jersey Statewide Mandatory Source Separation Recycling Act, P.L. 1987, C.102, which requires that each municipality in the State adopt an ordinance providing for the separation from the solid waste stream of specified recyclable materials and establishing a collection system for the same; and

WHEREAS, the source separation and collection of recyclable materials from residences and commercial and institutional establishments promotes the general public interest and is mandated by law.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, as follows:

SECTION 1. Short title. This ordinance shall be known and may be cited as the Recycling Ordinance of Township of Ocean.

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SECTION 2. Definitions. The words, terms and phrases used in this ordinance shall have the following meanings:

ALUMINUM CANS - Empty all aluminum beverage and food containers.

COMMERCIAL ESTABLISHMENTS - Those properties used primarily for commercial purposes and those multiple dwelling residential buildings containing more than four (4) dwelling units.

FERROUS CONTAINERS - Empty steel or tin food or beverage containers.

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

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

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, but also including periodicals, unsolicited advertisements, and office supply paper. Expressly excluded, however, are newspapers which have been soiled. Newspapers shall be deemed solid if they have been exposed to substances or conditions rendering them unusable for recycling.

PERSON - Every owner, lessee and occupant of a residence, commercial or insitutional establishment within the boundaries of the Township of Ocean.

RECYCLABLE MATERIALS - 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.

RESIDENCE - Any occupied single or multi-family dwelling having up to four dwelling units per structure from which a municipal or private hauler collects solid waste.

SOLID WASTE - Shall mean garbage, refuse and other discarded solid material normally collected by a municipal or private hauler.

SECTION 3. Establishment of program. There is hereby established a program for the mandatory separation of the following recyclable materials from the municipal solid waste stream by all persons within the Township of Ocean, hereinafter referred to as the "Township":

- a. Aluminum
- b. Ferrous containers
- c. Glass containers
- d. Newspapers

SECTION 4. Separation of recyclables and placement for disposal.

A. The recyclable materials designated in Section 3 of this Ordinance, excluding newspapers, 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 Township's recycling regulations. The container for recyclable materials shall be clearly labeled and placed at the curb or such other designated area for each collection, regardless of whether any recyclable materials are available for collection.

B. Newspapers shall be bundled and tied with twine or placed in a draft paper (brown paper) bag and placed at the curb or other designated area for collection at such times and dates as are established in the Township's recycling regulations. The maximum weight of each bundle of newspaper shall not exceed thirty (30) pounds (approximately 12 inches high).

SECTION 5. Separation of leaves and placement for disposal. All persons within the Township shall, for the period from September 1 through December 31 of each year, separate leaves from other solid waste generated at their premises and, unless the leaves are stored or recycled for composting or mulching on the premises, place the leaves at the curb or other designated area for collection at such times and dates and in the manner established by the Township's recycling regulations.

SECTION 6. Alternative collection of recyclable materials. Any person may donate or sell recyclable materials to individuals or organizations authorized by the Township in its recycling regulations. These materials may either be delivered to the individual's or organizations's site or they may be placed at the curb for collection by said individual or organization on days not designated as recyclable material collection days in the Township's recycling regulations.

SECTION 7. Collection by unauthorized persons. It shall be a violation of this ordinance for any unauthorized person or organization to collect, pick up or cause to be collected or picked up within the boundaries of the Township any of the recycable materials designated in Section 3 of this ordinance. Each such collection in violation of this ordinance shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION 8. Enforcement and administration.

The Recycling Coordinator 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 Section 3 of this ordinance and such other matters as are required to implement this ordinance. Such regulations shall take effect only upon the approval of the Township Committee by adoption of a resolution implementing the same. The Recycling Coordinator is hereby authorized and directed to enforce the provisions of this ordinance and any implementing regulations adopted hereunder.

SECTION 9. Violations and penalties.

A. Any person, firm or corporation violating the provisions of Section 6 of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

B. Any person, firm or corporation violating any provision of this ordinance other than section 6, or any regulations adopted hereunder, shall be subject to a fine of not less then twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

C. No action shall be taken to enforce the provisions of Sections 3 and 4 of this ordinance until three (3) months after the effective date of the regulations authorized hereunder.

D. Each and every day in which a violation of any of the provisions of this ordinance exists shall constitute a separate offense.

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SECTION 10. Exemptions. The Township Committee of the Township of Ocean may exempt persons occupying commercial and institutional establishments from the source separation requirements of Section 4 of this ordinance if those persons have otherwise provided for the recycling of recyclable materials designated in Section 3 of this ordinance. To be eligible for an exemption under this section, the person seeking the same shall, prior to June 1 of each year, provide written documentation to the Township of the total amount of materials recycled during the preceding calendar year.

SECTION 11. Inconsistent ordinances repealed. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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 13. Effective date. 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 held on the 12th day of May, 1988 and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 2nd day of June, 1988 at 8:00 at Municipal Bldg. , Railroad Ave. Waretown, N.J. at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DOROTHY R. HORNER RMC TOWNSHIP CLERK