



ORDINANCE 04-2010

AN ORDINANCE ESTABLISHING A MANDATORY PROGRAM FOR THE SEPERATION AND COLLECTION OF RECYCLING MATERIALS AS ESTABLISHED BY SECTION 6.A.3 (a) through (k) OF THE MONMOUTH COUNTY SOLID WASTE PLAN

A. PREAMBLE

Proper management of solid waste is an important matter of public health and safety. The source separation and recovery of certain recyclable materials will serve the public interest by conserving energy and natural resources, and reducing waste disposal expenses. In accordance with the requirements of the New Jersey Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.11 et seq) and the 2009 Update to the Monmouth County Solid Waste Management Plan, it is therefore necessary to update and amend existing municipal rules and regulations for the separation, storage, collection and recovery of designated recyclable materials.

B. SOURCE SEPARATION OF RECYCLABLE MATERIALS

1. It shall be mandatory for all persons who are owners, lessees and occupants of residential property, of business and industrial properties, and of private or public and government institutions and buildings, to separate newspaper, corrugated cardboard, clean mixed paper, aluminum cans, tin and bi-metal cans, glass bottles and jars, and pourable plastic bottles (“designated recyclables”), from all other solid waste produced by such residences and establishments, for the collection and ultimate recycling of such materials.
 - (a) Newspaper shall mean and include paper of the type commonly referred to as newsprint, and includes any inserts which are normally included in the newspaper. Specifically excluded are any pages of the newspaper used for household projects and crafts, such as painting or paper Mache projects, or used for cleanup of pet waste.
 - (b) Corrugated cardboard shall mean layered cardboard including a waffled section between the layers, of the type commonly used to make boxes and cartons. Specifically excluded are waxed cardboard and any cardboard contaminated by direct contact with food, such as pizza boxes.
 - (c) Clean mixed paper shall mean high grade bond paper, mixed office and school papers, such as stationary, construction paper and writing tablets, including computer printouts, magazines, gift wrapping paper, soft cover books, junk mail and single layer cardboard (chipboard). Specifically excluded are carbon papers, hard cover books (unless cover and binder are removed), paper cups and plates, food wrappers or any other paper contaminated by direct contact with food products, and paper products used for personal hygiene, such as tissues.

- (d) Aluminum cans shall mean all disposable cans made of aluminum used for food or beverages. Specifically excluded are aluminum foils, pie tins, trays, cookware and other aluminum products.
 - (e) Tin and bi-metal cans shall mean all disposable cans made of tin, steel or a combination of metals including, but not limited to, containers commonly used for food products. Specifically excluded are cans which contain toxic products, such as paints and oils.
 - (f) Glass bottles and jars shall mean transparent or translucent containers made from silica or sand, soda ash and limestone, used for the packaging or bottling of various products. Specifically excluded are dishware, light bulbs, window glass, ceramics and other glass products.
 - (g) Pourable plastic containers shall mean plastic bottles where the neck is smaller than the body of the container, and is limited to plastic resin type #1 PET and plastic resin type #2 HDPE. Specifically excluded are other resin types (#2 through #7) and non-bottle plastic containers such as margarine tubs and other consumer items and packages, such as film plastics, blister packaging, boxes, baskets, toys and other products.
2. Residences, businesses and institutions provided with recyclables collection service by municipal forces or through municipal contract shall place all designated recyclables in the appropriate containers at curbside or other area(s) in the manner and schedule as regularly published and distributed by the municipality.
 3. Any multi-family complex, business or institution not provided recyclables collection service by municipal forces or through municipal contract shall be responsible for arranging the appropriate separation, storage, collection and ultimate recycling of all designated recyclables.
 4. Any multi-family complex, business or institution which is not provided recyclables collection service by municipal forces or through municipal contract shall provide the municipality with, at a minimum, an annual report describing arrangements for both solid waste and recyclables collection services, including the size, number and location of storage containers, frequency of pickup service, the name and address of any contractor hired to provide such service, and phone and other contact information for the contractor.
 5. Leaves shall be kept separate from other vegetative waste, and shall only be placed for collection in the manner and schedule as shall be published and distributed by the municipality. Grass clippings shall not be placed with other materials for solid waste collection. This requirement shall not prohibit any person or establishment from making arrangements to collect leaves and grass directly from their property through their own efforts or via contract with a landscape service or other appropriate company, for direct transportation to a permitted recycling operation.
 6. The following bulky recyclables shall not be placed with solid waste at the curbside or in containers provided for waste collection and transportation to a disposal facility: concrete, asphalt, brick, block, tree stumps, and tree limbs over three inches in

diameter, metal appliances or bulk metal items larger than one cubic foot and/or heavier than five pounds.

7. Automotive and other vehicle or wet cell batteries, used motor oil and anti-freeze shall not be disposed as solid waste. Such items are to be kept separate from other waste materials and recyclables, and brought to local service stations, scrap yards, or publicly-operated recycling facilities designed and permitted to handle such products.
8. Common, non-rechargeable dry cell batteries, commonly labeled A, AA, AAA, C, D and 9-Volt, may be disposed with regular municipal solid waste; however, rechargeable dry cell and button batteries still contain significant amounts of various toxic metals, including mercury, and shall be separated and brought to retail outlets or publicly-operated recycling facilities providing specific arrangements for the proper packaging and shipment of rechargeable and/or button batteries to appropriate processing facilities.
9. Computers, computer monitors and other related electronic hardware, as well as analog and digital televisions, are prohibited from being placed with other solid waste for disposal. These and other electronic devices shall be kept separate and brought to retail outlets or publicly-operated recycling facilities providing specific arrangements for shipment of these items to appropriate processing facilities.

C. OWNERSHIP OF RECYCLABLES; SCAVENGING PROHIBITED

1. All designated recyclables become the property of the municipality and/or the contracted collector once placed at the curbside, in a container provided by the contractor, or brought to and accepted at the Municipal Recycling Depot.
2. It shall be a violation of this section for any unauthorized person to pick up or cause to be picked up, any recyclable materials as defined herein. Each such collection shall constitute a separate and distinct offense.
3. Notwithstanding anything herein to the contrary, any person may donate or sell self-generated recyclable materials to any person, partnership or corporation, whether or not operating for profit. The person, partnership or corporation, however, shall not pick up the recyclable materials at curbside.

D. LIQUID AND HAZARDOUS WASTE EXCLUSIONS

1. No liquids of any type shall be placed with recyclables, or with solid waste for collection and disposal.
2. No chemicals, liquid paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products, or other hazardous wastes shall be placed with recyclables, or with solid waste for collection and disposal.

E. PROVISION AND LABELING OF RECYCLING CONTAINERS

1. All apartment and other multi-family complexes, businesses, schools and other public or private institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors, for trash and the various types of recyclables, as appropriate.
2. Any company or agency providing dumpsters roll off or other containers to any apartment or other multi-family complex with shared disposal and recycling areas, or to any business, school or other institution, or for any construction/demolition project, shall clearly mark such container for trash or for specific recyclables, as may be appropriate.

F. DEBRIS MANAGEMENT PLAN FOR CONSTRUCTION PERMITS

1. The municipality shall issue construction and demolition permits only after the applicant has provided a Debris Management Plan identifying the estimated number and types of containers to be used for the handling of all solid wastes and recyclables generated during the project, and arrangements for the proper disposition of the generated materials.
2. A refundable deposit of \$ 50.00 to \$ 1,000.00 shall be submitted with the Debris Management Plan, which will be returned after completion of the project and submittal of appropriate records documenting the quantity and disposition of solid wastes and recyclables. Inadequate or incomplete documentation may result in the forfeiture of some or all of the required deposit.

G. APPOINTMENT AND DUTIES OF RECYCLING COORDINATOR

1. The position of Recycling Coordinator is hereby created and established within the municipality, to be appointed by the Governing Body, for a term of 1 year expiring on December 31st of said year.
2. The duties of the Recycling Coordinator shall include, but are not limited to: the preparation of annual or other reports as required by state and county agencies regarding local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies in conducting recycling activities, periodic review of local residential and business recycling practices and compliance, review and recommendation on local subdivision and site plan submittals and local construction and demolition projects for appropriate waste disposal and recycling provisions, reports to the Governing Body on the implementation and enforcement of the provisions of this ordinance, and such other reports and activities as may be requested by the Governing Body.
3. The Recycling Coordinator shall be required to comply with the Certification Requirements for Municipal Recycling Coordinators, as established by the State of New Jersey. The Recycling Coordinator shall have completed or be in the process of completing the requirements for certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2012, as required by the New Jersey Recycling Enhancement Act.

H. ENFORCEMENT

1. The duly appointed Municipal Recycling Coordinator, the Monmouth County Health Department, the Atlantic Highlands Code enforcement Officer and the Atlantic Highlands Police Department are hereby jointly and severally empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this Ordinance, by issuance of warnings, notices, summonses and complaints. A typical inspection may consist of sorting through containers and opening bagged solid wastes to detect the presence of recyclable materials.
2. The authorized inspector may, in his or her discretion, issue a warning rather than a summons following an initial inspection(s), with a follow up visit to determine compliance within a stated period of time.

I. VIOLATIONS AND PENALTIES

1. Violation or non-compliance with any of the provisions of this Ordinance, or the rules and regulations promulgated hereunder, shall be punishable by a fine as follows:
 - (a) For a first offense - \$25.00 to \$100.00
 - (b) For a second offense - \$50.00 to \$200.00
 - (c) For third and subsequent offense - \$250.00 to \$1,500.00 and/or the performance of community service in the recycling program, for a period not to exceed ninety (90) days
2. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such.
3. Fines levied and collected in Municipal Court pursuant to the provisions of this Ordinance shall be 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.

J. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

A motion to introduce this Ordinance offered by Councilman R Dellosso, was duly seconded by Councilman J Archibald

This motion was passed by the following vote:

Ayes:	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays:	None (0)
Abstain:	None (0)
Absent:	None (0)

A public hearing and possible adoption is scheduled for on March 10, 2010 at 7:00pm.

I, Dwayne M, Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 24, 2010. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of February 2010.

Dwayne M. Harris, RMC
Municipal Clerk

On March 10, 2010, after a Public Hearing and Second Reading, Council member Archibald moved for Final Adoption of this Ordinance. It was seconded by Council member Dellosso and adopted by the following vote:

Ayes:	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays:	None (0)
Abstain:	None (0)
Absent:	None (0)

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 10, 2010.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 12th day of March 2010.

X

Dwayne M. Harris, RMC
Municipal Clerk

Date of Mayor's Approval: March 12, 2010

X

Frederick J. Rast, III
Mayor