

**WEYMOUTH TOWNSHIP
ATLANTIC COUNTY
NEW JERSEY
ORDINANCE #542-2015**

The Township Committee of the Township of Weymouth, in the County of Atlantic, in the State of New Jersey, does hereby ordain:

Chapter 194. Recycling shall be deleted and replaced and amended in its entirety so as to read:

CHAPTER 194

Title

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 Recyclables

Designated Recyclables

Enforcement

Violations and Penalties

Severability, Effective Date

Title. This chapter shall be known and may be cited as the "Recycling Ordinance of the Township of Weymouth".

Section 1. Definitions and word usage.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The work "shall" is always mandatory and not merely directory.

Aluminum cans - All aluminum beverage containers and all aluminum pet food or other containers.

Cardboard or corrugated paper - means clean, heavy box materials commonly known as cardboard boxes and similar heavy paper packaging containers that are free of plastic, foam and other contaminants also including food packaging boxes and other commercial packaging that is free of food contaminants, plastic, wax and foam materials that would make it undesirable for recycling purposes. All cardboard and packaging must be opened and flattened for ease of handling.

Commercial establishment - means an establishment used for commercial purposes, such as bars, restaurants, private offices, fitness clubs, retail stores, banks and financial institutions, supermarkets, auto and boat dealerships, and other establishments with common business areas;

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

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;

Ferrous containers - means empty steel or tin food or beverage containers.

Glass containers - means 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 government offices.

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 Weymouth Township.

Paper - New print and other forms of paper and paper products such as magazines, telephone books, catalogs, white office paper, computer paper, etc., excluding those soiled (i.e., contained carbon, adhesive or plastic) or unfit due to health and/or sanitary reasons. Newspapers shall also be deemed soiled if they have been exposed to substances rendering them unusable for recycling (i.e., water).

Persons - Every owner, lessee and occupant of a residence, commercial or institutional establishment within the boundaries of the Township of Weymouth.

Plastics - means Plastic soda, juice and liquor bottles. Plastic laundry and dish detergent bottles. Plastic bleach bottles. In addition, any plastic bottles or containers that have the recycling symbol or the initials PETE or HDPE stamped on the container.

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 - (A) a single-family dwelling, including attached structures such as porches and stoops; or (B) a single-family dwelling unit in a structure that contains more than 1 separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons;

Solid Waste - means Garbage, refuse and other discarded solid material normally collected by a municipal or private hauler.

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 - 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;

Section 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 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 Weymouth Township, to separate designated recyclable materials from all solid waste. The following designated recyclable materials are to be recycled at both residential dwellings and commercial establishments: Aerosol containers, aluminum cans, antifreeze, asphalt, auto/truck bodies, batteries, bimetal cans, CFC refrigerants, concrete, consumer electronics, corrugated cardboard, ferrous scrap, glass

containers, grass, HDPE/PETE plastic, magazines, mixed paper, newsprint, nonferrous scrap, office paper, oil contaminated soil, propane tanks, telephone books, textiles, tires, tree parts/yard trimmings, used motor oil and white goods. The following designated recyclable materials are to be recycled at commercial establishments: Block, brick, fluorescent bulbs, oil filters and polystyrene. These materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises.

- 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.

Section 3. Collection of Recyclable Materials

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

- A. The recyclable materials designated in Section 1.A. of this chapter, excluding newspapers, shall be put in a suitable container, separated 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 municipality'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.
- B. Newspapers shall be bundled and tied with twine or placed in a craft 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 municipality's recycling regulations. The maximum weight of each bundle of newspapers shall not exceed 30 pounds (approximately 12 inches high).
- C. Aluminum and glass containers shall be rinsed, lids removed, flattened and placed in a suitable container.
- D. Cardboard shall be flattened and placed alongside other recyclable materials.
- E. White office paper and computer paper shall be placed in a craft paper (brown paper) bag or in a suitable container separate from other recyclable materials.
- F. All receptacles or dumpsters shall be maintained in accordance with the Atlantic County Health Code in a clean and safe manner.

Section 4. 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 regulation 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.

Section 5. 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.

Section 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 Township of Weymouth, 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 Weymouth 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.

Section 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.

Section 8. Designated Recyclables

The following are the designated recyclables for residential and commercial entities (unless otherwise indicated) in the municipality of Weymouth Township; Aerosol containers aluminum cans, antifreeze, asphalt, auto/truck bodies, batteries, bimetal cans, block, brick, CFC refrigerants, concrete, consumer electronics, corrugated cardboard, ferrous scrap, fluorescent bulbs, glass containers, grass, HDPE/PETE plastic, magazines, mixed paper, newsprint, nonferrous scrap, office paper, oil contaminated soil, oil filters, polystyrene, propane tanks, telephone books, textiles tires, tree parts/yard trimmings, used motor oil and white goods.

Section 9. Enforcement

The code Enforcement Official, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Atlantic County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. The position of the Municipal Recycling Coordinator as per N.J.S.A. 13:1E-99.13(1) is hereby established and will be held by the person who shall be appointed by resolution of the Township Committee. The Municipal Recycling Coordinator's name and telephone number shall be forwarded to the Atlantic County Utilities Authority. All 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.

Section 10. Violations and Penalties

- A. Any person, firm or corporation violating the provisions of any section of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.
- B. Each and every day in which a violation of any of the provisions of this chapter exists shall constitute a separate offense.
- C. Action shall be taken to enforce the provisions of this chapter immediately upon municipal approval.

Section 11. 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. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

WEYMOUTH TOWNSHIP

BY _____
Kenneth R. Haeser, Mayor

This Ordinance was Introduced and given its First Reading by Title at a Regular Meeting of the Weymouth Township Committee which was held on October 7, 2015. It was advertised and a Public Hearing was held on October 21st during the Weymouth Township Committee Meeting at 7 PM in the Municipal Building located at 45 South Jersey Avenue in Dorothy, New Jersey, at which time it was finally adopted.

Attest: _____
Bonnie S. Yearsley, CMC
Weymouth Township Clerk

Date: October 21, 2015

1st Reading: October 7, 2015

Publication: October 12, 2015

2nd Reading and Final Adoption: October 21, 2015

Final Publication: October 30, 2015