

ORDINANCE

Of The Township Of Pittsgrove
In The County Of Salem, State Of New Jersey

**AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING
A SOURCE SEPARATION AND RECYCLING POLICY
FOR PITTSGROVE TOWNSHIP FOR DESIGNATED RECYCABLES**

WHEREAS, the New Jersey Statewide Mandatory Source Separation and Recycling Act establishes a goal of fifty percent (50%) reduction of Municipal Solid Waste and a sixty percent (60%) reduction of all solid waste through source separation and recycling by residential, commercial and institutional establishments in all New Jersey municipalities; and

WHEREAS, the Salem County Solid Waste Management Plan designates the list, included herein, of mandatory recyclables to be source separated for recycling in all sectors of the community; and

WHEREAS, recycling will reduce the municipality's expense of solid waste disposal, conserve energy and valuable resources, extend the life of the Salem County Landfill and has the potential to produce revenues from the sale of such recyclable materials.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Pittsgrove that Chapter 83 of the Code of the Township of Pittsgrove shall read as follows:

ARTICLE I
General Administrative Provisions

§ 83-1 TITLE

This chapter shall be known and may be cited as the "Waste Management Ordinance of the Township of Pittsgrove."

§ 83-2 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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

Commercial Waste Contractor - Any person, firm or corporation that accepts payment from any other person, firm or corporation for the picking up, hauling and disposing of waste and/or recyclable materials.

Designated Recyclable Materials - means those materials designated within the Salem County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and include:

Residential

- | | |
|----------------------------|--|
| Glass Containers (05): | All glass containers used for packaging food or beverages. |
| Batteries, Lead-Acid (13): | Batteries from automobiles, trucks, other vehicles, machinery and equipment. This does not include consumer batteries. |
| Aluminum Cans (06): | Food and beverage containers made entirely of aluminum. |
| Newspaper (03): | All paper marketed as newsprint or |

| | |
|---------------------------------------|--|
| | newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news). |
| Mixed Office (02): | All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad). |
| Corrugated (01): | Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise. Includes brown paper bags. |
| Other Paper/Magazines/Junk Mail (04): | All magazine stock, white and colored paper and envelopes. |
| Plastic (08): | Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, water or detergent bottles. |
| Yard Trimmings (19): | Leaves (19), grass clippings (18), stumps (20), brush (17), and other lawn and garden trimmings from homes, institutions, commercial or industrial sources. |
| Steel Cans (07): | Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint, and a variety of other household and consumer products. |
| White Goods and Light Iron (11): | All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, stainless steel and other non-structural ferrous scrap. |
| Food Scraps (23): | Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such. |
| Textiles (29): | Cloth material such as cotton, linen, |

wool, nylon, polyester, etc., derived from clothing, cloth diapers, linens, etc.

Concrete (22):

Concrete, cement or cinderblock materials from construction or renovation. Brick and stonework are excluded.

Commercial

Glass Containers (05):

All glass containers used for packaging food or beverages.

Batteries, Lead-Acid (13):

Batteries from automobiles, trucks, other vehicles, machinery and equipment. This does not include consumer batteries.

Aluminum Cans (06):

Food and beverage containers made entirely of aluminum.

Newspaper (03):

All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).

Mixed Office (02):

All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).

Corrugated (01):

Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise. Includes brown paper bags.

Other Paper/Magazines/Junk Mail (04):

All magazine stock, white and colored paper and envelopes.

Plastic (08):

Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, water or detergent bottles.

Steel Cans (07):

Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint, and a variety of other household and consumer products.

Tires (15):

Rubber-based scrap automotive, truck, and specialty tires (e.g., forklift tires).

Used Motor Oil (16):

A petroleum-based or synthetic oil, which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of

original properties. Used motor oils containing solvents, antifreeze, or motor oil filters are excluded.

White Goods and Light Iron (11): All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, stainless steel and other non-structural ferrous scrap.

Food Scraps (23): Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such.

Textiles (29): Cloth material such as cotton, linen, wool, nylon, polyester, etc., derived from clothing, cloth diapers, linens, etc.

Concrete (22): Concrete, cement or cinderblock materials from construction or renovation. Brick and stonework are excluded.

Municipal Recycling Coordinator – means the person or persons appointed by the Township of Pittsgrove and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations that may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded.

Municipal Recycling Enforcement Officer – person or persons appointed by the Township of Pittsgrove who shall be authorized to enforce the Ordinance as directed by the Municipal Recycling Coordinator.

Municipal Solid Waste (MSW) Stream – means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the Municipality of Pittsgrove Township.

Recyclable Material – means those materials that 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 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 Separated Recyclable Materials – means recyclable materials that are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

Resident - Any owner or tenant of property in the Township of Pittsgrove, Salem County, New Jersey, or anyone who conducts a business permanently located within said Township.

Waste - Waste shall include but not be limited to ashes; nonrecyclable plastic material; ceramics; pottery; blue, flat and window glass; garbage; inorganic solid waste; aluminum food trays and cake pans; empty paint cans;

contaminated paper and cardboard; carpets and floor tiles; mattresses; sofas and chairs; kitchen cabinets; wood furniture and doors; and clothing. Leaves and grass clippings are recyclable materials and are excluded as waste.

ARTICLE II Municipal Waste Disposal and Recycling Facility

§ 83-3 MUNICIPAL WASTE DISPOSAL AND RECYCLING FACILITY

The Township of Pittsgrove Municipal Waste Disposal Facility, hereinafter referred to as the "waste disposal facility," is located at 1050 Porchtown Road at the intersection of Porchtown Road and Garden Road in Pittsgrove Township.

§ 83-4 HOURS OF OPERATION

The waste disposal facility shall be used for disposal of waste and recyclable materials and shall be open on Mondays through Thursdays from 12:00 noon to 6:00 p.m. and on Saturdays from 8:00 a.m. to 4:00 p.m. The waste disposal facility shall be closed on Fridays and Sundays and on municipal holidays. The waste disposal facility may be opened or closed at other times as determined by the Township Committee.

§ 83-5 ELIGIBILITY

- A. Use of the waste disposal facility for disposal of waste and recyclable materials shall be limited to the following categories:
1. Residents of household (non-business). This category includes homeowners, tenants and mobile home park residents and pertains exclusively to generation of household waste as distinguished from waste generated in the operation of business.
 2. Nonprofit organizations. This category includes schools, churches and social service organizations; provided, however, nonprofit organizations are limited to disposal of accepted recyclable material ONLY at the discretion of the Public Works Manager and are not permitted to dispose of waste at the waste disposal facility.
- B. Use of the waste disposal facility for disposal of waste and recyclable materials shall not be permitted to the following:
1. Resident businesses engaging in commercial, industrial, manufacturing or agricultural use, including but not limited to restaurants, retail and wholesale stores, farms, homeowner associations, mobile home park owners, apartment complexes, nursing homes and contractors located within the Township.
 - a. Resident businesses may be permitted to dispose of authorized recyclable materials by the public works supervisor/recycling coordinator depending on volume generated.
 2. Nonresident households or businesses located outside of the Township.
 3. Commercial waste contractors.
 4. Disposal of waste and recyclable building materials resulting from construction, repair, alteration, renovation or demolition by residents or contractors. (Residents who possess valid waste disposal facility permits may dispose of one pickup truckload of building materials, up to 500 pounds/2 cubic yards, per project.)

§ 83-6 PERMIT REQUIRED

- A. Eligible residents of the Township of Pittsgrove wishing to use the waste disposal facility for disposal of waste or recyclable materials must obtain a waste disposal facility permit from the Public Works office. All applicants shall provide personal identification, vehicle registration and proof of residency to the satisfaction of the issuing authority. The Public Works issuing authority shall make the final decision of eligibility of an applicant to receive a waste disposal facility permit. Disputes on an applicant's eligibility shall be resolved by the Public Works Department Supervisor. The application for a waste disposal facility permit shall contain the following information:
1. Printed name of the resident.

2. If a property owner, block and lot numbers of at least one property.
 3. If a tenant, name of the landlord.
 4. Physical street address and post office address, if applicable.
 5. Date of issuance.
 6. Signature of resident to whom issued.
 7. Vehicle license plate number.
- B. Waste disposal facility permits may be obtained during regular business hours at the Public Works office located at 1004 Centerton Rd.
- C. All waste disposal facility permits shall be of a color and in a form as determined by the Township Committee. Said Township Committee may waive the requirements of providing the above information or may require additional information. Also, the Township Committee may revise the format of the waste disposal facility permits from card form to vehicle stickers, etc.
- D. Commercial waste contractors shall not be entitled to receive a waste disposal facility permit.
- E. Deviation from the requirements for eligibility may be granted through the issuance of a one-time permit. This permit will allow otherwise ineligible persons or organizations to use the waste disposal facility for an approved one-time single purpose. Application requirements remain as listed above.

§ 83-7 CONTROLLED ADMITTANCE

- A. No person shall be permitted to enter the waste disposal facility without possessing a valid waste disposal facility permit. The waste disposal facility attendant is specifically authorized and may prevent anyone not possessing a valid waste facility disposal permit from entering the waste disposal facility.
- B. No person shall dispose of any waste or recyclable materials in the waste disposal facility unless they are in possession of a valid waste disposal facility permit.
- C. Vehicles entering the waste disposal facility with commercial license plates or markings or out-of-state license plates shall be subject to verification of the validity of their waste disposal facility permit by the waste disposal facility attendant.

§ 83-8 NONTRANSFERABILITY OF PERMIT

Waste disposal facility permits are nontransferable and valid only for the vehicle issued.

§ 83-9 COMMERCIAL WASTE CONTRACTORS

Commercial waste contractors are not permitted to use the waste disposal facility for disposal of waste or recyclable materials.

§ 83-10 DIRECTIONS FOR DISPOSAL OF WASTE AND RECYCLEABLE MATERIALS

- A. The waste disposal facility attendant shall have the authority to reject or accept waste or recyclables brought to the waste disposal facility.
- B. All waste and recyclable material that is brought to the waste disposal facility and determined to be acceptable by the waste disposal facility attendant shall be deposited in containers as directed by the waste disposal facility attendant.
- C. All vehicles shall be parked and/or positioned as directed by the waste disposal facility attendant to ensure safe and efficient traffic flow.
- D. Persons using the waste disposal facility shall clean up any spillage of waste and recyclable material occurring from their vehicles or during deposit of their waste and recyclable material into containers.

§ 83-11 OPEN VEHICLES TO BE COVERED

All open vehicles, including trucks and trailers, entering the waste disposal facility shall be covered in accordance with N.J.A.C. 7:26-3.4 to prevent littering on roads and streets. The waste disposal facility attendant is authorized to prevent uncovered vehicles from entering the waste disposal facility.

§ 83-12 DISPOSABLE AND PROHIBITED ITEMS

The following materials are specifically prohibited from being deposited in the waste disposal facility and the waste disposal facility attendant is authorized to reject any item consisting of or mixed with these materials:

- A. Animal carcasses.
- B. Automobiles, tractors, farm machinery, trailers and trucks or parts of any of these vehicles.
- C. Brush, trees and parts of brush and trees resulting from cutting, trimming or pruning in excess of three inches in diameter and/or eight feet long. Brush, trees and parts of brush and trees, regardless of size, resulting from clearing operations.
- D. Herbicide, pesticide and chemical containers unless triple rinsed and certified to be nonhazardous according to N.J.A.C. 7:26-8.
- E. Materials not accepted by the destination landfill as routine waste.
- F. Non-household chemical or petroleum products.
- G. Gasoline fuel tanks, gasoline containers/cans, kerosene heater fuel tanks and oil-filled radiator-type heaters or any other tank used for storage of flammable materials unless specifically authorized elsewhere in this ordinance.
- H. Recyclable materials as defined in Article III mixed with household trash.
- I. Tree stumps.
- J. Waste materials generated outside of the Township.
- K. Oil-based paints.
- L. Waste materials resulting from construction, repair, alteration, renovation or demolition by contractors or residents. (Residents who possess valid waste disposal facility permits may dispose of one pick-up truckload of building materials, up to approximately 500 pounds or two cubic yards, per project.)

§ 83-13 SCAVENGING PROHIBITED

Scavenging or picking materials from waste or recyclable material containers is not permitted at the waste disposal facility. All waste and recyclable materials shall become the property of Pittsgrove Township upon deposit.

§ 83-14 ILLEGAL DUMPING PROHIBITED

It shall be unlawful to dispose of waste or recyclable materials at a location or in a manner other than provided in this part.

ARTICLE III Recycling

§ 83-15 MANDATORY RECYCLING PROGRAM

Mandatory Source Separation: It shall be mandatory for all persons who are owners, lessees, tenants or occupants of residential and non-residential premises, including but not limited to retail and commercial locations, government, schools and other institutional locations within the municipality of Pittsgrove, to separate Designated Recyclable Materials from all solid waste.

- A. It shall be the obligation of Residential Designated Recyclable Materials generators to arrange for the private collection and delivery of Designated Recyclable Materials to a recycling facility or to deliver Designated Recyclable Materials to the municipal waste disposal facility.
- B. When municipal curbside collection is not provided for Designated Recyclable Materials or delivery to the municipal waste disposal facility is not authorized, as is the case for those recyclables generated by commercial and institution entities, it shall be the obligation of the generator to arrange for the private collection and delivery of Designated Recyclable Materials to a recycling facility or to deliver Designated Recyclable Materials to a municipal recycling depot designated by Pittsgrove Township.
- C. The owner of each property shall be responsible for compliance with this Ordinance. For multifamily units, including but not limited to condominium complexes and seasonal hotel/motels and guesthouses, the management or owner is responsible for setting up and maintaining the recycling system, including collection of Source Separated Recyclable Materials. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding recycling requirements to all new tenants when they arrive and with a reminder a minimum of every six (6) months during their occupancy.
- D. The arrangement for collection of all categories of Designated Mandatory Recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, except for those specific Designated Recyclable Materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees, or the public shall provide litter and recycling receptacles. These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.
- E. Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at their premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the premises by a hauler, recycler or paper shredder, the quantity and final disposition of the material is to be reported on the form.
- F. 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.

§ 83-16 EXEMPTIONS

No exemptions exist from compliance with the requirements for mandatory separation of recyclable materials. All residents are responsible for compliance with the mandatory recycling program requirements. Use of commercial waste contractors for disposal of waste and recyclable materials in lieu of using the municipal waste disposal facility does not abate the obligation to fully comply with the mandatory recycling program requirements.

§ 83-17 MULTIFAMILY HOUSING

The obligation for compliance with the mandatory recycling requirements imposed by this part upon the occupant or owner of any residential, commercial or institutional building or use within the Township of Pittsgrove shall, with respect to multifamily housing as defined in § 60-100 of this Code, entitled Recycling Facilities, be the responsibility of a homeowners' organization, condominium association or like entity assuming said obligation.

§ 83-18 MANDATORY RECYCLABLE MATERIALS

- A. Mandatory recyclable materials shall include all recyclables defined as Designated Recyclable Materials in Article I. Specific instructions are as follows:
 - 1. Aluminum - Excludes aluminum cake pans and food trays.
 - 2. Corrugated (cardboard) - Must be uncontaminated and flattened.
 - 3. Glass - All glass shall be rinsed and have caps, rings or bands removed prior to depositing. Blue, flat, pottery, ceramic and window glass excluded.
 - 4. Plastic - All plastic containers shall be rinsed and have caps, rings or bands removed prior to depositing.

5. Batteries – Excludes household batteries.
6. Concrete - Limited to one pickup truckload, up to 500 pounds/2 cubic yards, per project.
7. Leaves - Residents are encouraged to mulch or compost leaves at their home site. As an alternative, leaves may be deposited at the waste disposal facility as a recyclable material and shall be clean of grass clippings, tree limbs and brush or other recyclable or waste materials. Leaves shall be deposited in the manner directed by signs posted at the collection site.
8. Steel cans - All containers shall be rinsed to remove food residue. Labels and lids do not require removal.
9. Tires - A disposal fee may apply to all tires.
10. Used motor oil - Containers of five gallons or less are recommended for ease of handling. Larger containers require prior approval by the Public Works Supervisor. Used motor oils shall be protected from contamination with water (rainwater).
11. White goods - A disposal fee may apply to refrigerant type appliances, such as refrigerators, freezers and air conditioners.

Scrap metal – Gasoline fuel tanks, gasoline containers/cans, kerosene fuel tanks, oil-filled radiator type heaters, aluminum food trays, cake pans or any container used to contain or transport hazardous or flammable materials are excluded.

12. Propane tanks – Tanks must be empty, if any pressure exists in the tank it will not be accepted. Tanks sizes over twenty pounds will not be accepted.

B. These materials shall not be disposed of as waste and, when deposited at the waste disposal facility, shall be deposited in designated containers in the manner described on the sign posted on the applicable container.

§ 83-19 ADDITIONAL RECYCLABLE MATERIALS

A. Additional recyclable materials shall include but not be limited to the following recyclable materials:

1. Brush/tree parts
2. Grass Clippings

B. These materials should be disposed of as recyclable materials rather than waste and shall be deposited in designated containers or at designated locations in the waste disposal facility in the manner described on signs posted at the disposal site.

§83-20 DISPOSAL FEES

The Township is subject to disposal fees charged by entities for disposal of certain recyclable materials, including but not limited to refrigerators, freezers, air conditioners and tires. Accordingly, disposal fees shall be required from all residents who dispose of these items at the waste disposal facility. Residents shall pay the appropriate disposal fee at the Public Works office prior to delivering the items to the waste disposal facility.

ARTICLE IV Commercial Waste Disposal

§ 83-21 RESPONSIBILITIES OF RESIDENTS

Residents who elect to utilize commercial waste contractors for their waste and recyclable materials disposal in lieu of the municipal waste disposal facility remain fully responsible for proper disposal of waste and compliance with the municipal mandatory recycling requirements.

§ 83-22 RESPONSIBILITIES OF COMMERCIAL WASTE CONTRACTORS

Commercial waste contractors shall provide commercial waste disposal services to households, institutions, businesses and contractors operating within the Township in a manner that satisfies the following requirements:

- A. Collection containers. Placement of waste collection containers so that they do not block building access or fire escape exits or extend into streets or roadways.
- B. Litter prevention. Collection of waste and recyclable materials in such a manner as shall ensure that no materials fall or are scattered on private and public property, including public streets or roads. Collection containers shall be emptied with sufficient frequency to prevent spillage from overflow.
- C. Recycling. Collection of recyclables shall include the types of recyclable materials designated in the municipal mandatory recycling program. Commercial waste contractors may designate collection of these mandatory recyclable materials to be commingled or as separate materials. Commercial waste contractors shall not accept waste that visibly evidences inclusion of mandatory recyclable materials in with waste materials.
- D. 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.
- E. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.
- F. Reporting. On an annual basis, not later than March 15 following the collection year's ending, commercial waste contractors shall provide the Township Recycling Coordinator with a written annual recycling report for the period of January 1 to December 31 of the collection year. This report shall contain the types and quantities of recyclable materials collected within the Township. Types of materials may be commingled, provided that all materials in the commingled collection are identified. Quantities may be provided in pounds, tons or cubic yards.

ARTICLE V
Enforcement and Violations

§ 83-23 ENFORCEMENT

The Municipal Recycling Enforcement Officer(s) are hereby individually and severally empowered to enforce the provisions of this Ordinance. The enforcers of the ordinance may conduct an inspection at the site of the generator, which consists of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any Designated Recyclable Material.

Additionally, the Salem County Health Department (SCHD) shall be empowered to enforce the provisions of this Ordinance. The municipality shall retain primary enforcement responsibility with the SCHD, also serving in an enforcement role, which includes inspection of commercial establishments and multi-family residential.

§ 83-24 RANDOM INSPECTIONS

Random inspections shall be periodically conducted, in accordance with law, to monitor compliance with recycling and waste requirements of this part.

§ 83-25 VIOLATIONS AND PENALTIES

Any person or entity violating, or failing to comply with, any of the provisions provided in this Ordinance shall, upon conviction thereof, be punishable by a fine of not less than \$50 and not more than \$1,000 or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the municipal judge. The continuation of any violation for each successive day shall constitute a separate offense, and the person, persons, or entity allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any violation may be afforded warnings at the discretion of the enforcement designees before the issuance of any fines.

§ 83-26 REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

§ 83-27 SEVERABILITY

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

§ 83-28 WHEN EFFECTIVE

This Ordinance shall take effect immediately upon enactment by the governing body of the municipality.

ARTICLE VI PROPER HANDLING OF YARD WASTE

§ 83-29 PURPOSE

Whereas the Township of Pittsgrove does not provide yard waste pickup services it is necessary to adopt an ordinance to establish a yard waste disposal program and to establish requirements for the proper handling of yard waste in the Township of Pittsgrove so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 83-30 DEFINITIONS

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 chapter 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 word "shall" is always mandatory and not merely directory.

- A. CONTAINERIZED - The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- B. PERSON - Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.
- C. STREET - Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- D. YARD WASTE - Leaves and grass clippings.

§ 83-31 YARD WASTE COLLECTION

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste that is not containerized at the curb or along the street nor shall it be placed closer than 10 feet from any storm drain inlet. If yard waste that is not containerized is placed at the curb or along the street or is placed closer than 10 feet from any storm drain inlet or if containerized yard waste placed at the curb or along the street is not removed within seven days of placement, the party responsible for the placement of the yard waste must remove the yard waste from the curb or along the street or said party shall be deemed in violation of this article.

§ 83-32 ENFORCEMENT

The Municipal Recycling Enforcement Officer(s) are hereby individually and severally empowered to enforce the provisions of this Ordinance. The enforcers of the ordinance may conduct an inspection at the site of the generator, which consists of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any Designated Recyclable Material.

Additionally, the Salem County Health Department (SCHD) shall be empowered to enforce the provisions of this Ordinance. The municipality shall retain primary enforcement responsibility with the SCHD, also serving in an enforcement role, which includes inspection of commercial establishments and multi-family residential.

§ 83-33 VIOLATIONS AND PENALTIES

Any person or entity violating, or failing to comply with, any of the provisions provided in this Ordinance shall, upon conviction thereof, be punishable by a fine of not less than \$50 and not more than \$1,000 or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the municipal judge. The continuation of any violation for each successive day shall constitute a separate offense, and the person, persons, or entity allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any violation may be afforded warnings at the discretion of the enforcement designees before the issuance of any fines.

**ARTICLE VII
CONSTRUCTION, RENOVATION AND DEMOLITION DEBRIS RECOVERY PLAN**

§ 83-34 PURPOSE

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials Plan shall be filed along with all other required permit conditions. The Plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

§ 83-35 COMPLIANCE WITH DIVERSION REQUIREMENT

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Section of the Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

This Ordinance shall take effect according to law. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Introduced:

Adopted:

Attest:

Constance S. Garton, Clerk

Peter I. Voros, Mayor

NOTICE

The above ordinance was introduced and passed on the first reading at the meeting of the Township Committee of the Township of Pittsgrove in the County of Salem held on April 14, 2009 and will be considered for final passage at a meeting to be held by the Township Committee at Municipal Hall, 989 Centerton Road, Pittsgrove, New Jersey at 7:30 p.m. on April 28, 2009 at which time any interested person will be given an opportunity to be heard.

Constance S. Garton, Clerk