

Chapter 4

Examples

Model Ordinances

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 12 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF WOODBRIDGE ENTITLED "HEALTH AND SANITATION"

Chapter 12-130 is amended to include article "B' as follows:

B. Commercial Establishment Exemption

1. N.J.S.A. 13:1E-99 provides that a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of this ordinance in accordance with the Recycling Act under certain conditions.
2. A commercial or institutional premises within the township may make written application to the Recycling Coordinator for exemption from the source separation requirements providing the following conditions are met.
 - (i) The applicant's commercial waste hauler must have a transfer station permit and the permit must include a specific provision covering materials separation, and
 - (ii) The applicant's commercial waste hauler must report to the Recycling Coordinator the tonnage of recyclables recovered annually from waste originating, in the township.
3. Approval of Applications. The Recycling Coordinator is hereby empowered to approve applications for exemptions from the source separation requirements of this ordinance.
4. The Recycling Coordinator shall maintain a record of commercial waste haulers who meet the requirements of 156-1.1A as provided by the Middlesex County Department of Solid Waste Management.
5. In the event an eligible commercial waste hauler becomes ineligible for any reason, including but not limited to loss of transfer station permit, the Recycling Coordinator shall notify all exempt commercial and institutional premises using that hauler in writing of the haulers ineligibility. Exempt premises shall provide the Recycling Coordinator, within thirty (30) days of receipt of such notification, evidence that waste generated at the premises is being hauled by an eligible commercial hauler. Failure to comply with this provision shall result in loss of the exemption for the premises.
6. In the event an exempt commercial or institutional premises voluntarily changes commercial waste haulers, the premises must notify the Recycling Coordinator, within thirty (30) days, of such change in the form of a written application for exemption from the source separation requirements. Failure to comply with this provision shall result in loss of the exemption for the premises.

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Middlesex County Exemption Guidelines

- ◆ All existing exemptions should be revoked and reapplied for consistent with the County guidelines.
- ◆ The mixed waste and recyclables taken from an eligible location may only be taken to a licensed “Transfer Station/MRF”. That facility must have the ability to separate out for recycling all mandated recyclables that were commingled with the garbage.
- ◆ Exemptions should be issued/renewed on a yearly basis - from beginning of March until the end of April
- ◆ No exemption renewal should be issued if the recycling tonnage report is not received by the beginning of March
- ◆ The generator must specifically request the exemption and receive, in writing, notice that it has been granted. The exemption request should be accompanied by the following information
 - A letter from their hauler agreeing to have the material separated.
 - A letter from the receiving facility including the valid NJDEP permit number that states the material will be separated.
 - Explain why your particular operation, circumstance or facility makes adhering to the source separation requirements of the recycling plan impractical.
 - What are the estimated monthly and yearly tonnages of solid waste and designated recyclables expected to be generated by your facility?
 - What materials will the materials recovery facility be recycling for you?
 - How have you disposed of your solid waste and handled recyclables up to the date of the application?
 - Have you been cited for any violation with reference to the solid waste or recyclables generated from your facility?
 - If the answer to the previous question is affirmative, list all such citations and the dispositions thereof.
 - The application shall be certified or under oath so that in the event there is a deliberate misstatement, penalties may be assessed against the applicant.
- ◆ If the generator switches haulers, the exemption is no longer valid and must be reapplied for.
- ◆ The generator must be able to show the exemption notice and a copy of his/her waste removal contract when the exemption is claimed to the County Public Health Department recycling inspector.
- ◆ Any exemptions granted will have to be material specific.
- ◆ Municipalities may refuse to amend their ordinance to provide the exemption or may change their ordinance to eliminate the exemption if they are not satisfied that all requirements of the exemption are being met.

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- ◆ Exemptions pertain to commercial and institutional establishments only, not residential premises. Residential premises include single-family homes, garden and high-rise apartments, condos, townhouses, and other multi-family units.
- ◆ Properly licensed haulers utilizing a properly licensed Transfer Station/MRF who service commercial and institutional generators may not collect commingled garbage and recyclables without the generator having first obtained a duly authorized exemption from their respective municipality. Haulers servicing non-exempted generators (including residential/multi-family locations which are not allowed exemptions) shall not collect and mix in one vehicle the generator's garbage and source separated recyclables. Those haulers found to be mixing a non-exempted generator's garbage and recyclables will be in violation of the County plan and subject to enforcement action and the imposition of penalties issued by the County Department of Public Health as specified in Appendix VI.

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Morris County Exemptions From Source Separation Recycling

In accordance with State Law (N.J.S.A. 13:1E-99.16d) the County Plan is required to provide guidelines to municipalities to assess the granting of exemptions for commercial and institutional establishments from the source separation requirements of the Plan, if such establishments can otherwise provide for the recycling of designated mandated materials. On November 28, 1990 the Board of Chosen Freeholders approved a resolution providing for an Amendment to the Plan which included these guidelines.

In considering applications for exemptions, municipalities should recognize that source separation is the general rule and preferred means to separate recyclable materials from the solid waste stream as set forth by the State Recycling Act and the County's Plan. Consideration for granting exemptions should be based upon specific situations where a generator demonstrates special reasons or situations which support difficulty or inability to source separate. The municipality should prepare an application which must be executed by the applicant.

At a minimum, the municipality should include the following data requests in its application:

- Explain why your particular operation, circumstance or facilities make adhering to the source separation requirements of the recycling plan impractical.
- List all the reasons you seek an exemption to source separation.
- What is the location, name and NJDEPE facility number of the materials recovery facility you will be using to do the recycling of the designated materials?
- Give the name and address of your solid waste collector.
- What are the estimated monthly and yearly tonnages of solid waste and designated recyclables expected to be generated by your facility?
- What materials will the materials recovery facility be recycling for you?
- How have you disposed of your solid waste and recyclables up to the date of the application?
- Have you been cited for any violation with reference to the solid waste or recyclables generated from your facility?
- If the answer to the previous question is affirmative, list all such citations and the dispositions thereof.
- With reference to the NJDEP facility you will be using if the exemption is granted, describe in detail your prior experience with the operator of said facility and indicate the reliability of said operation, insofar as your past experience with the operator.

The application shall also include a provision of any exemption granted that the applicant and the operator shall provide the municipality and County the following: a) quarterly recycling tonnages as well as the tonnages and proofs that

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the residual solid waste is being disposed of through the Morris County Solid Waste Management System; b) the application and all correspondence relating thereto shall be filed with the municipality and the County including, but not by way of limitation, correspondence and reports from the generator, the operator and the municipality.

Any exemption granted by the municipality shall be granted for a limited period of one year and thereafter, the generator should reapply each year to the municipality for the exemption. The reapplication should indicate the continuing need for the exemption, a statement that there have been no violations. If there are violations, address each violation specifically setting forth what remedial action has been taken to avoid future violations.

The application shall be certified or under oath so that in the event there is a deliberate misstatement penalties may be assessed against the applicant.

The application, in addition to any other information sought by the municipality, should also include the name and address of the applicant, and should describe its facility and the nature of the waste generated. If the commercial establishment or institution has more than one location, it should list all other locations, describe the waste generated there, and set forth its program for meeting the recycling requirements at its other facilities. The generator shall indicate the location for which it seeks the exemption.

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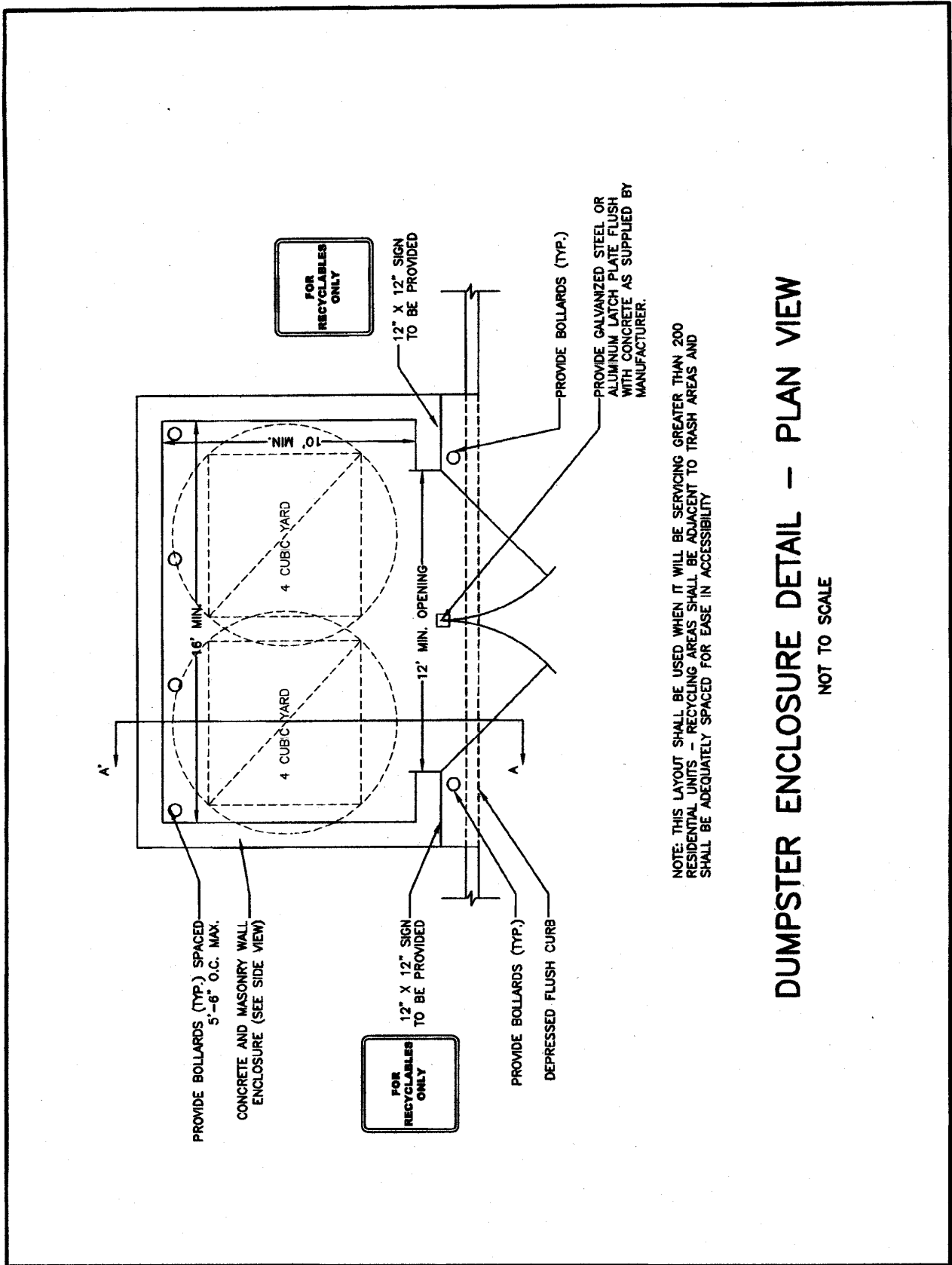
Please note that this is a DRAFT of a not-yet proposed Rule by
NJDEP

N.J.A.C. 7:26A-11.5 Source Separation exemption

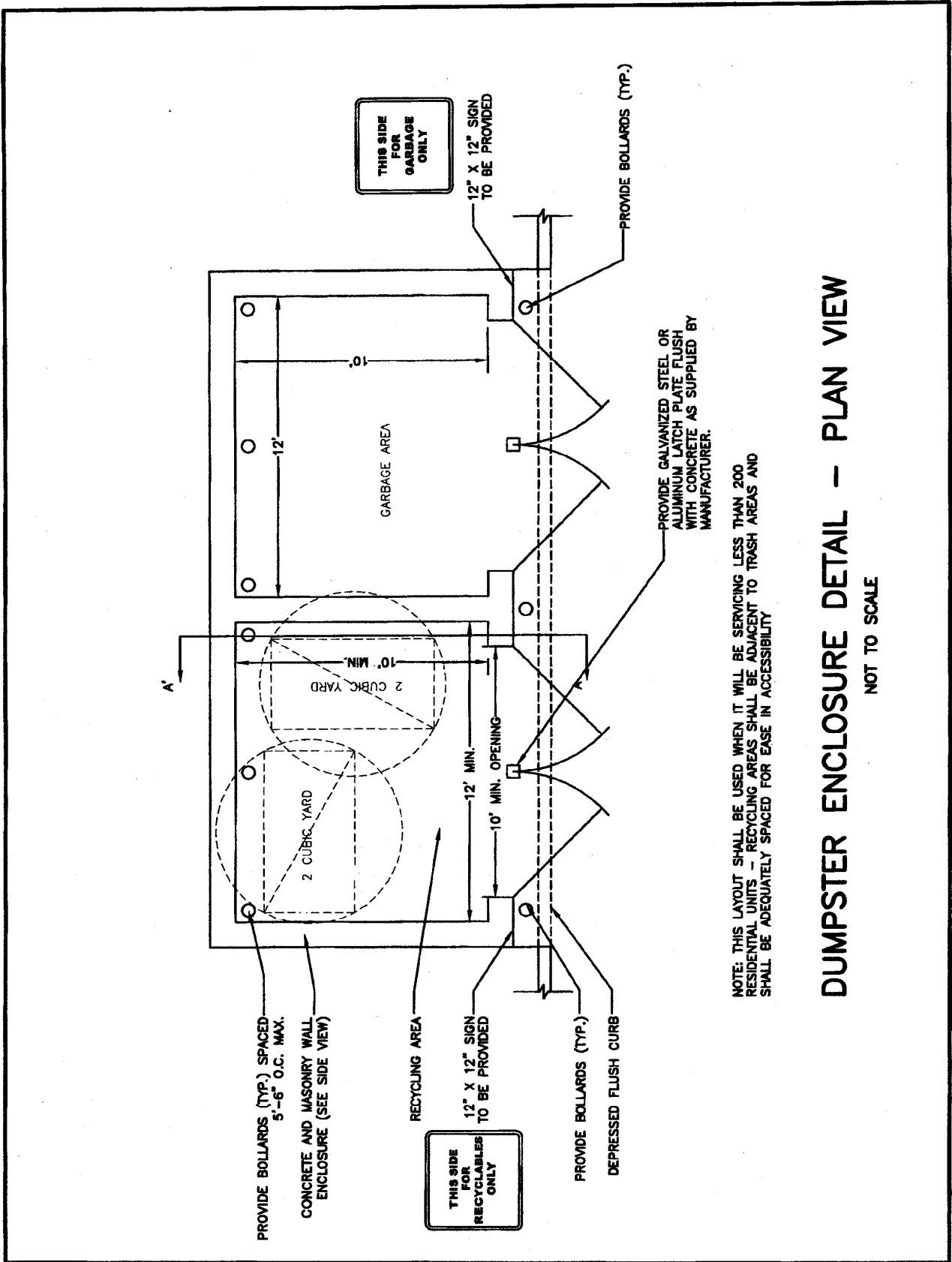
- (a) The governing body of a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of its recycling ordinance.
1. The municipal coordinator shall review the applicant's documentation of alternate provision for the recycling of those materials designated in the district recycling plan that may be found in the solid waste generated at that location.
 2. The municipal coordinator shall review the written reports submitted by the providers of this alternate service, and, where required, the generators' annual written reports, of the total number of tons recycled.
 3. The municipal coordinator shall ascertain that the recycling facilities receiving the exempted waste are permitted to perform that recycling.
 4. If found to be sufficient to meet the requirements for issuance of an exemption, as detailed in an applicable municipal ordinance, the municipal recycling coordinator (or other municipal official as may be identified in the applicable municipal ordinance) shall issue the exemption approval in writing.
 5. The municipal coordinator keep a record of all generators who have received the exemption, and the destination of the waste or identity of the waste transporters handling the waste, and shall report this list annually to the applicable county recycling coordinator.
 6. The municipal coordinator (or other designated municipal official) shall revoke the exemption of a generator upon failure to meet the conditions of the exemption.

Please note that this is a DRAFT of a not-yet proposed Rule

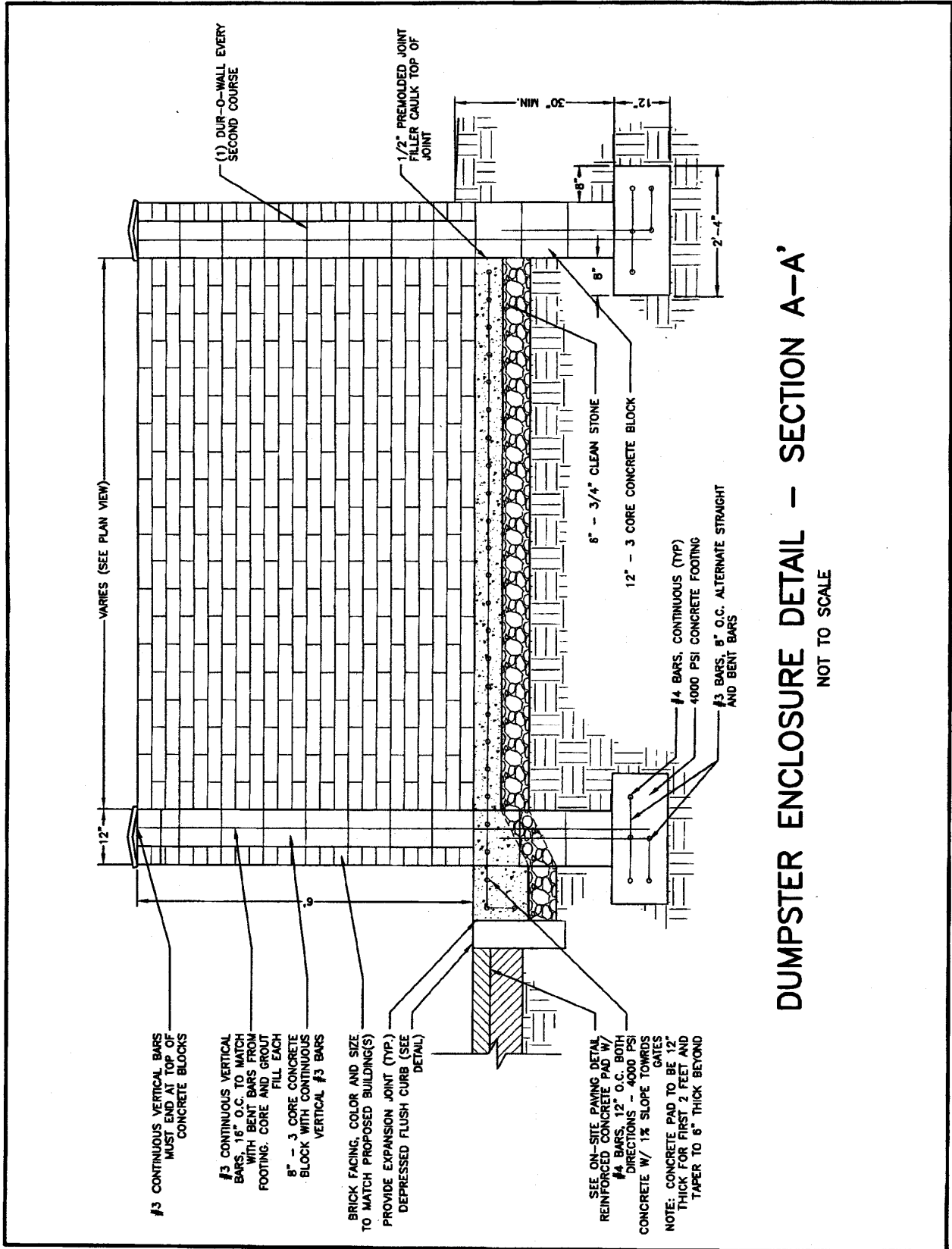
Multifamily Recycling Enclosure Plan



Multifamily Recycling Enclosure Plan



Multifamily Recycling Enclosure Plan



Model Municipal Source Separation and Recycling Ordinance

Prepared By NJDEP

The Council of the _____ of _____, in the County of _____, in the State of New Jersey, does ordain:

Section _____, Chapter _____, Recycling and Solid Waste shall be deleted and replaced and amended in its entirety so as to read:

Chapter _____

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 Recyclable Materials Enforcement Violations and Penalties

Definitions (NOTE- the following are not necessarily taken from existing statute or regulation, and therefore may be changed to reflect individual municipal program requirements).

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

Designated recyclable materials- means those materials designated within the _____ County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include: (list and define, as necessary, those designated recyclable materials from the county recycling plan for the residential, commercial and institutional sectors);

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) 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;

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 13:1E99.13a.) 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

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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 _____;

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;

Source-separated recyclable materials- means 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;

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 _____, 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 (municipality or department within the municipality) _____.

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.

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Collection of Recyclable Materials

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

(Note-as an alternative to below, simply describe those elements of the existing recycling program, including information as to the type of container to use, the location of the container for purposes of collection, during what hours the container may be placed for purposes of collections, etc., especially as this may pertain to multi-family developments, and the manner of collection provided to these locations. Additionally, in the event a municipality requires that materials be brought to a drop off location, specific information regarding this practice should also be included)

- A. All containers and brown paper bags 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 PM of the day immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.
- B. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the municipality of _____. **(if no health code exists for this, ordinance can indicate that all containers shall be kept clean and in a safe manner.)**

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 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 6 months during their occupancy.

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

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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.

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 _____, 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 _____, 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.

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

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municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

Enforcement

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the _____ 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.

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 \$250, nor more than \$1000. Each day for which a violation of this Ordinance occurs shall be considered a separate offence. **(Note- municipalities are empowered to incorporate the provisions of N.J.S.A. 40:49-5 into their Ordinance. This provision may be viewed at the New Jersey legislative website).**

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, including ---.

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.

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Chapter _____

Definitions

Construction, Renovation, Demolition Debris Recovery Plan

Review of Debris Recovery Plan

Diversion requirement adjustment

Debris recover plan reporting requirements

Compliance with diversion requirement

Appeal to the _____

Enforcement

Violations and Penalties

Definitions

Covered project- means 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.

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 50% of the materials to be generated will be separated and recycled.

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.

Diversion requirement adjustment

- A. Application: If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in

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this Ordinance, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert 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 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.

Debris recover plan reporting requirements

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.

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.

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 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

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the (department where appeal is to be filed) shall be final.

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.

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 \$250, nor more than \$1000.

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.