

**ORDINANCE O-09-11**

**AN ORDINANCE AMENDING CHAPTER 120 – SOLID WASTE OF THE TOWNSHIP OF SOUTH HARRISON, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY**

**WHEREAS**, amendments to the Township’s recycling ordinance are necessary in order to comply with certain new requirements of the New Jersey Department of Environmental Protection; and

**WHEREAS**, the Township of South Harrison has a duly adopted recycling ordinance under Chapter 120 – Solid Waste, which was adopted in 1985; and

**WHEREAS**, the amendments are necessary in order to bring the South Harrison Township ordinance into compliance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of South Harrison, County of Gloucester and State of New Jersey that Chapter 120 – Solid Waste, of the South Harrison Township Code is hereby amended as follows:

**Chapter 120**

**SOLID WASTE**

**ARTICLE 1  
Recycling**

**§ 120-1. Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**ALUMINUM** – All products made of aluminum, including aluminum cans, foil, wrappers, containers for prepared dinners or other food, screen frames and lawn chairs.

**COMINGLED** - Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

**DEBRIS** – Dirt, non-recyclable, demolition material, brush and bushes.

**DESIGNATED RECYCLABLE MATERIALS** - means those materials designated within the Gloucester County District Solid Waste Management Plan to be source separated 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;

GARBAGE – Putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

GLASS – All products made from silica or sand, soda ash and limestone, the produce being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as “glass” excluding, however, blue and flat glass and glass commonly known as “window glass”.

HAZARDOUS WASTE – Any waste material that by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties may be detrimental or deleterious to the health of any person handling or coming into contact with the material, and any waste that contains a hazardous material as set forth in N.J.A.C. 7:26G or listed by the U.S. Environmental Protection Agency as a hazardous substance

METAL – All products made of metal, exclusive of aluminum, including washers, dryers, refrigerators, stoves, hot water heaters, tire rims, springs, bicycles, bimetal cans (tin cans) or scrap metal.

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 the Township of South Harrison;

RECYCLEABLE 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;

SINGLE STREAM - means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling (i.e., placed in the same container).

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;

TRASH – Ashes, plastic material (not a “designated recyclable material” as defined above), ceramics, blue and flat glass, nonputrescible solid waste, contaminated paper (not a designated “waste paper product” as defined below), and other similar materials.

WASTE PAPER PRODUCTS – All uncontaminated paper material, such as used newspaper, magazines, books, paper, food cartons, cardboard boxes, wrapping paper, bags and discarded letters and envelopes.

#### **§ 120-2. 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 the Township of South Harrison, 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 South Harrison Township Committee.
- B. Exemptions: Pursuant to P.L.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.

### **§ 120-3. Collection of Recyclable Materials.**

The occupant or owner of any building or home within the Township of South Harrison who shall place for disposal, removal or collection the following named items shall do so in strict conformity with the following regulations:

- A. All recyclables placed at the roadside by residents for collection shall be prepared for collection in accordance with the following:
  - 1) Placement in red containers, supplied by the Township, all newspaper, glass, plastics 1 and 2, cardboard, aluminum and metal.
- B. Material shall be placed at the roadside the evening of the day preceding a scheduled collection day at the roadside for collection adjacent to one another and clearly separated from containers of solid waste.
- C. Garbage shall be placed for collection in only plastic bags with appropriate ties so as to make them as airtight as possible. Other trash products shall be placed in metal or heavy-duty plastic containers, boxes or plastic bags secured by a lid or securely tied with the total weight not to exceed 50 pounds.
- D. Brush . It is prohibited to place brush for collection or disposal as solid waste. All persons occupying residential premises within the Township shall mulch or compost the leaves generated at those premises.<sup>1</sup>
- E. Leaves. It is prohibited to place leaves for collection or disposal as solid waste. All persons occupying residential premises within the Township shall mulch or compost the leaves generated at those premises.
- F. All receptacles or dumpsters shall be maintained in accordance with rules and regulations as may be promulgated by the South Harrison Township Highway Department.

### **§ 120-4. 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 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.

### **§ 120.5. 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

<sup>1</sup> Editor's Note: See also Ch. 44, Brush, Grass and Weeds.

- designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor 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.

**§ 120-6. 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 municipality of the Township of South Harrison, 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 Township of South Harrison, 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 planning board engineer.

**§ 120.7. 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.

**§ 120-8. Enforcement**

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

**§ 120-9. Additional rules and regulations authorized.**

The Supervisor of the Road Department of South Harrison Township, subject to the approval of the South Harrison Township Committee, may promulgate reasonable rules and regulations affecting the separation, storage, collection, removal and disposal of the items covered by this article in a manner consistent with the provisions hereof. Said rules and regulations shall be filed with the Municipal Clerk of the township and shall be available for inspection by any interested person or persons.

**§ 120-10. Violation 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 the penalties set forth under Chapter 1, Article II, §1-14 of the Code of the Township of South Harrison.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund or equivalent fund established. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program, as may be approved by the South Harrison Township Committee.

## ARTICLE 2

### Construction, Renovation and Demolition Debris Recovery Plan

#### § 120-11. 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.

DIVERSION REQUIREMENT – means those materials, required by the New Jersey Department of Environmental Protection, by rule or regulation, to be diverted at a construction, renovation or demolition project.

#### § 120-12. 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.

#### § 120-13. Review of Debris Recovery Plan.

- A. Approval: The review of a debris recovery plan shall be completed within ten (10) business days (which excludes weekends and holidays) of the receipt of said plan by the Municipal Recycling Coordinator. A decision to approve or deny the plan must be provided, in writing, to the applicant within said time period.
- 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.

#### § 120-14. Diversion requirement adjustment.

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 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. The review of a debris recovery plan shall be completed within ten (10) business days (which excludes weekends and holidays) of the receipt of said plan by the Municipal Recycling Coordinator. A decision to approve or deny the plan must be provided, in writing, to the applicant within said time period.
- 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.

**§ 120-15. Debris recovery 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 of 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.

**§ 120-16. 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, at the time of the discovery of the noncompliance by the Municipal Recycling Coordinator, or not less than thirty (30) days after notification by the applicant to the Municipal Recycling Coordinator, that the project has been completed.

**§ 120-17. Appeal to Township Administrator**

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this Ordinance to the Township Administrator 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 the Township Administrator shall be final.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law. 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.

**TOWNSHIP OF SOUTH HARRISON:**

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Mayor Robert S. Campbell

Dated: October 15, 2009

**ATTEST:**

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Nancy E. Kearns, RMC  
Municipal Clerk

**CERTIFICATION**

This Ordinance was introduced and passed on first reading at a regular meeting at the South Harrison Township Committee held on the 8th day of July, 2009 and will be considered for final passage and adoption at a meeting to be held on the 12<sup>th</sup> day of August, 2009 at 7:30 p.m. at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey 08039, at which time any person interested herein will be given an opportunity to be heard.

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Nancy E. Kearns, RMC  
Municipal Clerk

**CERTIFICATION**

This Ordinance was re-introduced and passed on first reading at a regular meeting at the South Harrison Township Committee held on the 9<sup>th</sup> day of September, 2009 and will be considered for final passage and adoption at a meeting to be held on the 14<sup>th</sup> day of October, 2009 at 7:30 p.m. at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey 08039, at which time any person interested herein will be given an opportunity to be heard.

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Nancy E. Kearns, RMC  
Municipal Clerk

## CERTIFICATION

This Ordinance was re-introduced and passed on first reading at a special meeting at the South Harrison Township Committee held on the 15<sup>th</sup> day of October, 2009 and will be considered for final passage and adoption at a meeting to be held on the 10<sup>th</sup> day of November, 2009 at 7:30 p.m. at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey 08039, at which time any person interested herein will be given an opportunity to be heard.

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Celeste Keen, RMC  
Deputy Clerk

## NOTICE

### **AN ORDINANCE AMENDING CHAPTER 120 – SOLID WASTE OF THE TOWNSHIP OF SOUTH HARRISON, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY**

**NOTICE** is hereby given that the foregoing Ordinance O-09-11 was finally adopted at a regular meeting of the South Harrison Township Committee held on the 10<sup>th</sup> day of November 2009 at 7:30 p.m. in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

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Nancy E. Kearns, RMC  
Municipal Clerk